THE

BRITISH CONSTITUTION

AND

GOVERNMENT:

A DESCRIPTION

OF THE WAY IN WHICH THE LAWS OF ENGLAND

ARE MADE AND ADMINISTERED, TOGETHER WITH AN ACCOUNT OF

THE FUNCTIONS OF THE CHIEF OFFICERS IN EVERY DEPARTMENT

OF THE STATE, AND

A BRIEF SKETCH OF THE GROWTH OF THE CONSTITUTION.

A READING AND LESSON BOOK FOR SENIOR CLASSES.

(Suitable for the Fourth and higher Standards of the Code.)

BY FREDERICK WICKS.

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DEDICATED

TO

THE RIGHT HON. W. E. FORSTER, M.P.,

VICE-PRESIDENT OF THE COMMITTEE OF COUNCIL ON EDUCATION,

WHOSE EFFORTS TO PROMOTE THE EDUCATION OF THE PEOPLE

THIS WORK IS DESIGNED TO ASSIST,

BY PRESENTING TO THE RISING GENERATION

A CLEAR VIEW OF THE POLITICAL SYSTEM UNDER WHICH THEY LIVE,

AND OF WHICH

THEY MAY ULTIMATELY FORM AN ACTIVE PART.

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A copious Index will be found at the end of the book.

CORRECTIONS.

Page 17.—Last line, for Educational read Education.

Page 110.—Line six, for their read the.

Page 125.—Line seven, for Court read Courts.

Page 169.—Line nineteen, for augmentated read augmented.

Page 174.—Line nineteen, for Justices read Justice.

These errors do not appear in the whole of the Edition.

WORKS TO WHICH THE STUDENT IS DIRECTED FOR FULLER INFORMATION UPON THE SUBJECT DEALT WITH IN THESE PAGES.

May's Parliamentary Practice.

The Institutions of the English Government, by Homersham Cox, M.A.

Stephens's Blackstone.

Hallam's View of the State of Europe during the Middle Ages. (Chapters viii. and ix.).

Hallam's Constitutional History of England.

Earl Russell's English Government and Constitution.

COPIOUS REFERENCES WILL BE FOUND IN THESE TO LESS ACCESSIBLE WORKS.

THE

BRITISH CONSTITUTION

AND

GOVERNMENT.

CHAPTER I.—INTRODUCTORY.

When we speak of the Constitution of a country, we mean the manner in which it is governed, or, in other words, the whole body of laws by which its people are governed and the machinery by which its laws are made and administered. Very small communities of people have no Constitution or form of Government, and if every member of those communities followed the golden rule of "Do unto others as you would be done by," they would never need one, and might live quite happily without laws. But differences arise even between members of the same family, and disputes are unhappily frequent among persons who are strangers to each other. As communities grow in size, differences between individuals increase in magnitude, and it is necessary that laws should be made for settling them. Wrong, too, is done by one member of a community against another, and it is necessary that this wrong should be redressed by punishing the wrongdoer, and, if possible, by compensating him to whom

wrong has been done. The method of making laws for these purposes, varies very much in different countries. Among the uncivilized, each member of the community protects himself and his goods by the strength of his arms, or else the Chief of the tribe decides all disputes without anything to guide him but his own will. But as civilization spreads, or the community becomes larger, certain customs grow up among the people for the settlement of differences and the punishment of wrongdoers. These are called *lex non scripta*, or unwritten law, by which a King or Chief deems it prudent to be guided for fear of injury to himself. As a community becomes still more civilized, or grows still larger, these customs become more numerous and more clearly understood; and, in time, formal laws are made for the guidance of the people in their dealings with one another and for the management of public affairs. If these laws are made by a Chief or King, without the concurrence of any Council or Parliament, and are administered in the same way, they are called decrees; the King or Chief is said to have unlimited power over his subjects; and the Government of the country is said to be a despotism or an unlimited monarchy. We read in histories, even of modern times, of countries, of very great size and inhabited by several millions of people, being governed by a Sovereign with unlimited power; and history shows that during some period almost all countries have been governed in this manner.

But unlimited monarchies, or despotic forms of Government, generally bear harshly upon the people, who, smarting under the injustice done to them, protest against the tyranny, and, as they increase in intelligence, endeavour, by force or persuasion, to acquire some share in the Government. Although these struggles are generally long, and often result in civil war, the people invariably succeed, and when they have succeeded, the Government ceases to be purely despotic, and resolves itself sometimes into a republic and sometimes into a limited monarchy—so called because the power of the Sovereign is limited to some extent by the will of the people. A limited

monarchy is also called a constitutional form of Government. Countries which are ruled by the will of a single man uncontrolled by any Council or Parliament, and influenced by nothing but fear for his own personal safety, are not considered as having any Constitution; and, in proportion as the people have a greater or smaller share in making the laws by which they are governed, their Government is said to be constitutional or unconstitutional.

Thus it will be seen, that a Constitution grows with the growth of a community, just as habits grow in an individual, that is unconsciously or without design. And as good habits may be, and should be encouraged, and bad habits checked and destroyed, so the good parts of a Constitution should be guarded with great care by a people, and what is defective or bad in it should be done away with. The British Constitution has grown in this way. It is the growth of many years, and the result of many struggles between the people, the nobles, and the Sovereign. It was framed by no single person, and has never been defined by law to this day. But its principles are well understood by those in authority, who dare not depart from them. Thus it has come to be regarded as the most wonderful organisation of its kind, and has served as a model for many other countries.

CHAPTER II.—THE CROWN.

Our laws are made by an agreement on the part of what is commonly known as the Three Estates of the Realm—the Crown, the Lords, and the Commons; that is to say, laws are framed in the House of Lords, and the House of Commons, and are afterwards consented to by the reigning Sovereign. But we should remember that, although it is common to speak of the King, Lords, and Commons as the Three Estates of the Realm, it is an error to do so. The "Three Estates of the Realm" is a very old phrase descriptive of the three classes of the King's subjects, the Clergy, the Nobles, and the Commons; but the Clergy do not now occupy a position in the State as opposed to the Nobles and the Commons, so that the phrase, in its original sense, has very little significance when applied to the condition of the country in the present day, and we may as well agree to accept "The Three Estates" as meaning the Crown, Lords, and Commons. Now, as the House of Lords and the House of Commons are called into being by the act of the Sovereign, we must first of all understand the reigning monarch's position.

The occupant of the Throne of the United Kingdom of Great Britain and Ireland may be either a man or a woman; and succession to the Throne is hereditary. The Salic law, which prevails in some countries, does not allow a woman to occupy the Throne; but this law which originated among the Salians, whose daughters were excluded even from the inheritance of private estates, is not recognised in England. When it has happened with us, as on more than one occasion, that the King or Queen dies, leaving no heir or no desirable heir, the next successor to the Crown is nominated by Parliament, as representing the people; but in those cases where the successor to the Throne has been nominated by Parliament, the person to whom the Crown has been offered has always been connected

by marriage or descent with a former King of England. In former times, the King of England possessed, besides private property, the right to receive for his own use duties of excise, and what are styled in the Hereditary Revenues Act, Casual Revenues, including, among other things, droits or rights of Admiralty, droits of the Crown, West India duties, and surplus revenues of British Possessions abroad; but latterly it has been the custom, at the commencement of every reign, to make an agreement with the new Sovereign, that all these revenues shall be collected by departments of the State, and paid into the National Exchequer or Consolidated Fund; and that the Sovereign should receive out of the Consolidated Fund a fixed sum yearly to meet the expenses of the Royal Household as distinguished from the expenses of public Government. This sum is called the Civil List. At the commencement of the reign of Queen Victoria, the Civil List, settled upon Her Majesty, amounted to £385,000 per year. Of this, £60,000 was to go to Her Majesty's Privy, or private Purse; £131,260 for the salaries of Her Majesty's Household and Retired Allowances; £172,500 for the expenses of Her Majesty's household; £13,200 for the Royal Bounty, Choirs and Special Services; and £8,040 for other purposes not specified by the Act, except that Her Majesty was empowered by it to grant pensions out of this £8,040, amounting altogether to £1,200 per annum, to persons who had distinguished themselves in some way to the advantage of the country without enriching themselves. These pensions usually amount to £100 each. The Sovereign, however, does not sacrifice any of his rights of citizenship by this arrangement. We may state, as a general principle, that the Sovereign can hold private property by inheritance or purchase in the same manner and to the same extent as any subject, and, as a matter of fact, does hold property as a private person. This is as it should be, for while it is only right the Sovereign should not appropriate taxes and duties which are levied for the benefit of the country at large neither should he forfeit any of the rights which his meanest subjects possess.

The Sovereign, is regarded in this country rather as the head of the State than as a personal ruler, and is generally spoken of by statesmen and politicians as "The Crown." It will be seen that everything connected with the government of the country is done in the name of the Crown. All officers of State, all judges, and all magistrates act in the name of the Crown; every taxgatherer, every postman, and every telegraph boy is a servant of the Crown. Every criminal or *quasi* criminal act done by one person against another is regarded as an offence against the Crown; all fines are paid to the Crown, and all guilty persons are punished in the name of the Crown. Beside this the Crown maintains an army and navy to defend the country from invasion, to protect the goods of our merchants when upon the sea in time of war, and to protect our fellow-subjects in distant Colonies. The Crown has also the power of declaring war against any foreign power, without asking the permission of Parliament, but it will be shown presently, that although this power is theoretically possessed by the Sovereign alone, it is practically in the hands of the people. It is the custom for the Sovereign, soon after his accession to the Throne, to be publicly crowned, and part of the ceremony of the Coronation is to take an oath to maintain the Constitution.

It is a common saying, that "The King can do no wrong." This does not mean that the King can do no wrong as a man, but that the King, as head of the State, can do no wrong. Some explain this by saying that, inasmuch as the King acts on the advice of his Councillors, it is they who do the wrong, if any is done, and not the King; but this is not correct, for the saying was common before the Ministers of the Sovereign were responsible to Parliament. The true meaning is, that the King is not responsible to anyone for any act he may do as a King, because his official acts are the acts of the State. It is evident that the State can do no wrong, because the State is superior to all persons under its dominion, and no tribunal can be found to try it, unless it be an international tribunal formed of the representatives of Foreign States for a wrong done by

one country against another. Some go further, and say that the King can do no wrong, because there exists no properly constituted body of men by whom he can be tried and punished, if need be, and that if such a body did exist the men composing it would be Chief of the State, and not the King. But, whatever the origin of the maxim, and whatever may be its true meaning as regards the Kings of England in the past, it is certain that it can be applied to the Sovereign of England in the present day only in one sense. It has come to pass that the official acts of the Sovereign of the United Kingdom, are as nearly as possible the exact expression of the will of the people; and if a King does only what his people wish him to do, he certainly cannot be said to wrong them, however unwise those acts may be. But we shall see this more clearly when we come to the chapter on "The Cabinet and the Government," and "The Responsibility of Ministers."

CHAPTER III.—THE PRIVY COUNCIL.

In former times, the Sovereign took a far more prominent part in the administration of the law, or, as it is commonly called, "The Executive," than is the case now, and, for his assistance, he gathered about him a number of councillors, who acted as his private advisers, and, in time, came to be known as the Privy Council. A Privy Councillor is nominated by the Sovereign, by whom, also, the appointment may be cancelled, and he is styled the Right Honourable. It is a common error to suppose that all the members of the Government are styled Right Honourable, or that being a member of the Ministry necessarily carries with it this title of distinction. Any natural born subject of the Crown may become a Privy Councillor, and the appointment may last during the life of the Sovereign making the appointment. The oath taken by a Privy Councillor consists of seven articles, as follows: To advise the Sovereign according to the best of his cunning and discretion; to advise for his Sovereign's honour and good of the public, without partiality through affection, love, need, doubt, or dread; to keep the Sovereign's counsel secret; to avoid corruption; to help and strengthen the execution of what shall be then resolved; to withstand all persons who would attempt the contrary; and, in general, to observe, keep, and do all that a good and true Councillor ought to do to his Sovereign Lord. As the number of Privy Councillors, however, was unlimited, and their duties were very general, they proved to be not very useful as a Council for the transaction of public business. Consequently the custom arose for the Sovereign to choose from among his Privy Councillors some of the more able to form his Cabinet, and the Cabinet now, to a great extent, serves the purpose for which the Privy Council was originally designed. It is easy to be conceived, too, that out of so large a body as the Privy Council, some of the more able or more ambitious would lay their heads together and concert measures among themselves

in private, and, having obtained the King's consent to them, would overrule, or at least guide, the decision of the Privy Council at large. The commencement of this practice of the King consulting with his favourite Councillors before any measures of State were submitted to the Privy Council can be traced as far back as the reign of Charles I., and it is out of this practice that what is now regarded as an institution of the country and a most important feature of the Constitution has grown. The Privy Council, however, still discharges many of the most important duties of the State. In dealing with some subjects it is impossible for the Legislature to prescribe in all cases precisely what shall be done; it therefore becomes necessary to give a discretionary power to some authority to issue orders in such cases. The authority chosen is the Sovereign; and the laws referred to provide that Her Majesty may, by Order in Council, direct certain things to be done, and forbid the doing of certain other things. These Orders in Council are made by the Council of Her Majesty's advisers sitting as a Privy Council, and presided over by herself. Theoretically, this Council may be composed of any of the Sovereign's Privy Councillors; but, practically, it always consists of one or more Cabinet Ministers. These Orders in Council are passed, not at the Council Office, in Whitehall, but at such of the Royal residences as the Sovereign may happen to be occupying at the time. They are afterwards published in the *London Gazette*, and in such other manner as the Act of Parliament may direct, bearing the names of the Councillors present on the occasion, and signed by the Clerk to the Council. For instance, when the cattle plague occurred in England, a law was passed empowering Her Majesty, by Order in Council, to make such provisions as may be deemed proper to prevent the importation of diseased cattle from foreign countries. It was found necessary in that case to forbid the landing in England of any cattle coming from certain ports on the Continent, but a little reflection will show that it was impossible to pass a general law upon the subject, because, although to-day cattle might be diseased in Holland, next month they might be sound there, and yet very

bad indeed in Roumania. Consequently it was necessary to give a discretionary power to forbid the importation of cattle from this or that port, as occasion required. In all such cases Her Majesty in Council is selected as the authority to make the necessary orders; so when we hear of Orders in Council about anything, we must understand that those orders are issued by Her Majesty in Council under the authority of an Act of Parliament, which prescribes the circumstances under which the orders shall be made, and to what extent the discretion shall be exercised. We may give another instance. The Legislature places a very high value upon human life, and the whole tendency of our laws is to protect that before any other thing, no matter how costly it may be. In accordance with this principle, a law has been passed making it the interest of all persons to save the lives of shipwrecked British sailors rather than shipwrecked property; and in this law, which is called the British Merchant Shipping Act, it is enacted that if any foreign Government adopts a law similar in principle and effect to it, the Queen may direct, by Order in Council, that the inducements offered to British seamen to save life from British ships, as contained in the British Merchant Shipping Acts, shall apply equally to the foreigners in question, whether sailing within British jurisdiction or not.

CHAPTER IV.

THE CABINET AND THE GOVERNMENT.

When a man has more work than a single pair of hands can get through he employs some one to assist him, and the more his work increases the more persons he employs. In course of time, if he should continue to prosper, he ceases to work himself and directs those whom he employs; if his manufactory should still continue to increase in size he would in time appoint others to direct those who work for him, while he himself would take no part in the daily routine of his manufactory, and would merely be within call to give his advice and experience upon occasions of great importance. With the exception of one material point of difference, it is so with the Sovereign of the United Kingdom. In times, long since past, the King took an active part, not only in making the laws, but in administering them; in later times, however, the work of government so greatly increased as entirely to prevent the Sovereign from taking any part in the details of government, and now it would be thought unconstitutional for the Sovereign to do anything in the administration of the law except by the advice, and through the medium of his responsible advisers. Not only are judges and magistrates appointed to judge and order the punishment of those convicted of breaking the law, but every department of the State is managed by a representative of the Sovereign, who is called a Minister of the Crown. These Ministers, as a body, form the Cabinet, and it is in accordance with their advice or counsel that the Sovereign acts. In their hands, indeed, is vested the whole of the Royal authority, and it is in this that the difference exists between the control exercised by a master over his foreman and workmen and by the King of England over his Ministers and subjects. The number of persons forming the Cabinet is not fixed, but it generally happens that about fourteen of the principal Ministers compose it. There is no rule requiring that the holder of any particular office should be a member of the Cabinet, or that a

member of the Government should hold any office at all, but it has become the custom always to give a seat in the Cabinet to the holders of certain offices. There are several offices, the holders of which are sometimes members of the Cabinet and sometimes not; and in some cases eminent and aged statesmen have been appointed Cabinet Ministers without any special office, because of their great experience and ability. Nor is there any rule as to the relative number of peers and commoners who form the Cabinet, but usually the majority of those composing it are members of the Lower House of Parliament. The composition of the Cabinet is, in fact, regulated by no fixed rules. The necessities of the day, and the personal qualities of those who form the Government as a whole, alone guide the Prime Minister in choosing who shall and who shall not form the Cabinet.

The Cabinet, as we have already said, practically takes the place of, and performs the duties which were formerly discharged by the Privy Council; but although from long usage it has come to be considered as an essential part of the institutions of the country, yet its existence is not recognised by the law of the land. There is no official notification of those who compose it, nor is there any record of its meeting or of the business it transacts, and no mention will be found of it in any Act of Parliament. Its deliberations are always secret; and no one is allowed to enter the room where it is held during its deliberations. It is the duty of the Prime Minister, after each Cabinet, to inform the Sovereign what has passed, but none of those who compose it may, for any purpose, make public what has occurred in Cabinet without the express sanction of the Crown. Cabinets are usually held twice a week during the sitting of Parliament, and they are summoned by the Prime Minister in the following way:—"Sir,—You are requested to attend a meeting of Her Majesty's servants on ———day, at —— o'clock, at ———."

But, beside the members of the Cabinet, there are several others who form the Administration. If we count every member of the Government, we shall find they number more than forty; and the whole of these agree to act in concert, to remain in

office as long as they can conscientiously approve the public acts of each other, and as long as the advice given by the chief members of the Administration to the Sovereign is approved by the country. Immediately their advice is disapproved by the country they all resign their offices, and others are appointed in their stead. How it is discovered that their advice is disapproved by the country we shall see presently, in the chapter dealing with the responsibility of Ministers.

The various officials forming the Government may be classified under three heads. First, in importance, are those who have seats in the Cabinet; next come those members of the Government who are not members of the Cabinet, but who are immediately associated with Cabinet Ministers in the administration of public affairs; and, thirdly, we have officials of the Royal Household.

The chief member of the Government is he upon whom the Sovereign calls to form an Administration or Government; and, although it has of late become the custom for him to appropriate to himself the office of First Lord of the Treasury, there is no fixed rule upon the subject, and he may assume whatever office he thinks best suited to his abilities, or most important for the time being. In 1783 Mr. Pitt, being called upon by his King to form an Administration, appropriated to himself the posts of First Lord of the Treasury and Chancellor of the Exchequer, and his example has been followed by others; but usually the Prime Minister takes the post of First Lord of the Treasury alone. As Prime Minister, his first duty is to gather around him the most able of his friends and supporters, and distribute among them the high offices of State according to their experience and ability. In doing this, care is taken to make such appointments as will be approved by the country. It sometimes happens that he is unable to secure the assistance of the most able statesmen of the day; perhaps they may differ from one another on important questions; or some other less weighty reason may exist to prevent them working amicably together. In such a case the difficulty of forming an Administration is greatly

increased, and sometimes cannot be overcome. Whenever this is so the Prime Minister returns to his Sovereign, confesses his failure, and prays to be excused. Another is sent for, who will, perhaps, be successful. Having formed his Administration, the various departments of which will be described presently, the Prime Minister accepts the seals of his office from his Sovereign in person, and proceeds to the discharge of its duties. Being the principal adviser of the Sovereign, he has the power of appointing, not only all members of his own Government, but also all Archbishops and Bishops, and of nominating persons to fill all superior offices in the gift of the Crown as they become vacant. The Prime Minister also presides over the meetings of the Cabinet when Ministers consult in private as to what measures should be laid before Parliament for the better government of the country, and what advice should be given to the Sovereign as regards any important matters which may from time to time arise, whether it be in reference to a matter of dispute between this and another country, or a difficulty connected with our Colonies, or the people of the country generally. Thus it will be seen that the position of Prime Minister of England is one of the very first importance; it is second only to the position occupied by the Sovereign, yet it is a post which may be attained by any natural born British subject, no matter what his origin.

THE LORDS OF THE TREASURY.

We have said that the Prime Minister usually appropriates to himself the office of First Lord of the Treasury. The Treasury is the department which has to do with the receipt of all taxes and fines, and the payment of all monies. So far as the receipt and expenditure of money produced by taxation, generally known as the Consolidated Fund, is concerned, it controls every department of the State. Formerly the chief of the department was styled the Lord High Treasurer, but in 1612 it was thought advisable to place the office in Commission, that is, to distribute the duties and responsibilities of the office among several persons, who are styled Lords Commissioners of Her Majesty's Treasury. The

Chancellor of the Exchequer stands next in importance to the First Lord as a Lord of the Treasury. It is he who actually superintends the control of the public moneys, and when we come to the chapters dealing with the House of Commons we shall see that he has a great deal to do with taxing the people. He has always a seat in the Cabinet, and is assisted by two or more Junior Lords of the Treasury, and two Secretaries, all of whom must have seats in one or other of the Houses of Parliament, and all of whom resign their posts whenever their chief goes out of office. Beside these, there are a number of officials at the Treasury, holding high positions, such as the Permanent Secretary, but as they do not go out of office with the Government, they form no part of this subject. They are members of the civil service, who are appointed not on account of their political opinions, but because they are good men of business, who, it is believed, will do their work well, and they remain at their post as long as these expectations are fulfilled, no matter who is at the head of affairs. The salaries of the First Lord of the Treasury and of the Chancellor of the Exchequer are £5,000 a year each; the Junior Lords have £1,000 each, and the Secretaries £2,000. The whole cost of the department amounts to upwards of £55,000 per annum, but the sum varies from year to year, according to circumstances.

THE LORD CHANCELLOR.

The most important member of the Government, next to the Prime Minister, is the Lord Chancellor, or, to be more particular, the Lord High Chancellor of Great Britain. He is appointed, without writ or patent, by the delivery of the Great Seal into his custody. He is a Privy Councillor by virtue of his office, and usually a Cabinet Minister. He presides over the House of Lords, and is generally made a Peer of the Realm, but it is not absolutely necessary that he should be so. In former times it was not uncommon to appoint one not a Peer to the office of Lord Chancellor, but in that case, although he presided in the House of Lords he did not vote. He is the guardian of all infants, lunatics, and idiots; he is visitor in behalf of the Crown of all hospitals and colleges of

Royal foundation; he appoints all the Justices of the Peace throughout the Kingdom, and joins with the Prime Minister in the appointment of all the Judges. He is said to be the keeper of the Sovereign's conscience, because in former times the office was commonly held by an ecclesiastic. Now, however, the dignity is invariably conferred upon a lawyer of distinction, because, in addition to his other duties, he has to preside over the Court of Chancery, and also over the House of Lords when sitting as a Court of Appeal. His salary as Lord Chancellor is £10,000 a year, and as speaker or president of the House of Lords, £4,000. Upon retiring from office, which he does with the Prime Minister, he receives a pension of £5,000 a year, provided there are less than four ex-Chancellors living; the rule being that not more than four ex-Chancellors can receive a pension at the same time. Socially, the Lord Chancellor holds a very high position. He takes precedence of all others except members of the Royal Family and the Archbishop of Canterbury.

The great dignity and emoluments of the office of Lord Chancellor would lead one to think that it is superior to that of Prime Minister. Before the time of Queen Anne, when there was no Prime Minister as we now understand the term, the Lord Chancellor was the chief adviser of the Sovereign, and the great dignity and emoluments of the office in the present day are to be traced to this. It is necessary to go only a little further back, to the time of William III., to find that when he was offered the Throne of England what we now understand by the Cabinet had not then become a settled institution of the country. As, however, the nature of the Cabinet has become more defined, and the position of chief adviser of the Sovereign has become disconnected from the office of Lord Chancellor, the holder of that office has lost much of the power possessed by his predecessors, but has retained the social dignity of the position and its emoluments. It may occur to some that there is little reason for continuing to the office of Lord Chancellor so large a salary as £14,000 per annum, while the Minister, under whose advice he is appointed, receives only £5,000; but there is more reason for this than we may at first sight suppose. Those who

attain to the high office of Lord Chancellor sometimes rise from positions of comparatively low degree by virtue of great natural ability, indomitable perseverance, and a life of hard work; and it is held that the dignity and emoluments of the office form a very fit reward for the efforts put forth to attain it; indeed the office has come to be regarded as a reward for distinguished legal attainments rather than as a remuneration for political services. Besides, lawyers of eminence would not accept the office unless the salary were sufficient to induce them to relinquish their practice. The pension, too, is awarded partly as a reward for distinguished services in the past, and partly as payment for services given by ex-Lord Chancellors, or Law Lords, as they are called; for, as we shall presently see, those Privy Councillors who are lawyers sit as a Committee of Appeal upon ecclesiastical cases and appeals from India and the Colonies, and ex-Lord Chancellors, being Peers, hear and decide upon such cases as come before them as the Supreme Court of Judicature in the Kingdom. Besides, it is a position which any man who chooses the law for a profession may attain to, provided he has the ability to do so, and it is a very great advantage to the country that so rich a prize should be held up for competition.

THE LORD PRESIDENT.

The office of Lord President of the Council is always held by a Peer, and the holder of the office is always in the Cabinet. He is head of the Privy Council Office, and in the Privy Council Office are sub-departments, which carry into effect the laws relating to Quarantine, Cattle Disease, Education, and other matters for the control of which there is no special department of State.

THE VICE-PRESIDENT OF THE COMMITTEE OF COUNCIL ON EDUCATION.

The Vice-President of the Committee of Council on Education is invariably a member of the House of Commons, but whether he is a Cabinet Minister or not depends upon the importance of the office for the time being, and the ability of the person holding it. Being head of the Education Department, the office of Vice-

President was very much increased in importance by the passing of the Elementary Education Act in 1870, and it was thought necessary in the following year that the holder of the office should be a member of the Cabinet, but it does not follow from this that any future holder of the office will be so distinguished. In this capacity he has the control of our system of national education. The Committee over which he preside controls the action of all School Boards, review the decisions come to by those Boards in many cases, and in some has the power of preventing those decisions from being acted on. His assistants examine the scholars in all the schools receiving grants from Government, and estimate the amount each should receive. But, whatever is done by the department over which he presides, is done in accordance with powers vested in it by an Act of Parliament, and any future Act of Parliament may enlarge or restrict those powers in any way the Legislature may think fit. One of the most important of the duties of the Vice-President is to lay before the House of Commons a statement of the amount of money required by the department for the education of the people, and to obtain the sanction of the House for its expenditure. The salary of the President and Vice-President is £2,000 a year each, and the cost of the inspection of schools amounts to nearly £100,000 a year.

THE LORD PRIVY SEAL.

The Lord Privy Seal is an official whose duties are for the most part formal in character and not very onerous. He gives authority to the Lord Chancellor to use the Great Seal when occasion requires it. The holder of the office receives £2,000 per annum, and attempts have been made to abolish the office on the ground of economy; but it is contended that offices of this character should be continued, and given to men of experience, whom it is desirable to have in the Cabinet. It is said, also, that such men are needed to undertake special work connected with no department in particular, or who can be called on to assist any other member of the Government, if required. Indeed, many cases occur in which the head of an overworked department needs the assistance of a

competent person to conduct an enquiry of great importance, upon which legislation may follow.

THE PRINCIPAL SECRETARIES OF STATE.

There are five principal Secretaries of State, each of whom has a seat in the Cabinet, and amongst whom are distributed the management of affairs at home, our relations with foreign Powers, our business with our Colonies, the care of our army, and the government of India. The nature of their appointments does not confine either of them to the discharge of the duties of the particular office he undertakes; they have each full powers to discharge the duties of the others without any fresh commission from the Crown, and convenience only dictates what department of the State they shall each have charge of. Each of these Chief Secretaries is assisted by an Under Secretary, having a seat in Parliament, and the appointments are generally distributed in such a way that each department has a representative in both Houses of Parliament. If, for instance, the Home Secretary be a Peer, the Under Secretary for the Home Department will be nominated from among members of the Lower House, or the reverse. The salaries of the five principal Secretaries of State are £5,000 per annum each, and of the Under Secretaries £1,500, except the Under Secretary for India, who draws only £1,200. These Under Secretaries are called Parliamentary Under Secretaries, to distinguish them from the permanent Secretaries of each department, who remain at their posts, no matter what Government is in office. The Under Secretaries never have a seat in the Cabinet.

THE HOME SECRETARY.

The Secretary of State for the Home Department occupies a very important position in the Government. He controls the inspection of factories, mines, salmon fisheries, reformatories, and industrial schools. He has the control of all prisons; he keeps a strict account of all crimes committed throughout the country, and, by periodical inspection, endeavours to secure an efficient body of police in every part of the Kingdom. The police are

under the immediate control of the various Town Councils and Boards having authority over the districts wherein they serve, but the Imperial Government makes a grant of money to each of these authorities, in part payment of the cost of their police, provided they are efficient; and by this payment purchases the right to inspect. Upon the Home Secretary also devolves the duty of considering and advising the Crown with reference to applications for pardon or commutation of sentence in the case of convicted criminals; and he has the power of reviewing decisions by magistrates and even remitting penalties. The power of dismissing magistrates rests with the Lord Chancellor, but dismissal is often preceded by, and is a consequence of, a representation from the Home Secretary. The Home Department costs the country over £87,000 a year.

THE FOREIGN SECRETARY.

The Secretary of State for Foreign Affairs conducts our diplomatic intercourse with foreign Powers. He instructs our Ambassadors and our Consuls at foreign ports in this respect. He receives the Ambassadors from foreign Courts, and transacts all the business of the State with them. He negotiates all treaties with foreign Powers, whether they relate to commerce or the settlement of international disputes. It is an office of great trust and responsibility, as upon the good management of the Secretary of State for the Foreign Department often depends the question of peace or war. The Minister selected for the office is, as a rule, distinguished for his soundness of judgment and his extended knowledge of politics and diplomacy. He controls the expenditure of £65,000 a year.

THE COLONIAL SECRETARY.

The Secretary of State for the Colonies, as the name of his office implies, superintends the action of this country with regard to our Colonies. He appoints all Colonial Governors and controls the Government of each Colony according to the powers conferred upon him in each case—that is to say, he has certain general powers of

control over the Governments of all Colonies, but, in several cases, special Acts have been passed by Parliament, restricting his powers, or conferring upon him special powers. Whenever any Colony requires the assistance of the mother country in money matters, it is through the Colonial Secretary that the application comes before Parliament. This assistance is usually granted in the shape of loans, or rather guarantees, upon the part of this country, to pay back any loan a colony may raise if the colony should not be able to do so. Unless the Acts of Colonial Parliaments and Legislatures are approved by the Colonial Secretary they cannot remain in operation. The Colonial Department costs the country nearly £35,000 per annum.

THE SECRETARY FOR WAR.

The Secretary of State for War has control of the army at home and abroad, and is superior even to the officer Commanding-in-Chief, because he represents the Sovereign who is theoretically the Commander-in-Chief though not actually commanding. All movements of troops are made by his direction; all appointments and promotions by the officer Commanding-in-Chief are made subject to his approval. He is responsible for the efficiency of the army to the Crown and to Parliament, by whom he is required each year to justify the cost to which he puts the country on that account. He is assisted by a Surveyor-General of the Ordnance, who, as well as his Parliamentary Under Secretary, have a seat in one or other branch of the Legislature. Including the pay of the soldiers, the War Department spends as much as £14,000,000 per annum, even in times of peace.

THE SECRETARY FOR INDIA.

The Secretary of State for India may be said to be the ruler of our Indian Empire during his term of office. He represents the Crown in all our dealings with India, and, though he consults, from time to time, with a council formed by men whose great experience in Indian affairs qualifies them for the office, the responsibility of all decisions come to rests upon him. In order clearly to understand

the position of the Secretary of State for India and his Council, we must go back to the time when India was colonised by a body of British merchants, known as the East India Company. The East India Company was founded upon the last day of the year 1600, by Queen Elizabeth granting a charter to the Earl of Cumberland, and 215 Knights, Aldermen, and merchants for the exclusive right of trading in India for fifteen years. This was 100 years after the Portugese had found their way to the shores of India by sea; but the Company succeeded in establishing factories on the coast, and, in course of time, by dint of superior energy, became the chief European traders with India. As they progressed, fresh charters were granted to them by the Crown, and, as their Possessions increased it became necessary to establish an armed force to protect their factories and warehouses. This force, in course of time, developed into an army, by means of which the Company was able to extend its operations far inland, until they became, under the Sovereigns of England, rulers of the Indian Empire. The Government of India was carried on by the East India Company as late as 1784, but in that year a department of State was formed by an Act of Parliament called the Board of Control, consisting of six Privy Councillors, who were to control the Company in the administration of affairs in India; but in 1858 both the Company and the Board of Control were superseded by an Act of Parliament, conferring upon the Secretary of State and the Council of India all the powers jointly possessed by the Board of Control and the Company. The Council of India, as constituted by the Act, consists of fifteen members, eight of whom are appointed by the Sovereign and seven by the Directors of the East India Company. They are not permitted to sit in Parliament, and they retain their office during good behaviour, at a salary of £1,200 per annum.

But the Secretary of State, assisted by this Council and his Secretaries, decides only what shall be the general policy of the Government of India; the actual administration of the affairs of India in detail devolves upon a subordinate department in India itself, headed by the Governor-General, or Viceroy, of India, and styled the Government of India. The Commander-in-Chief of the

army in India is the principal member of the Government; and, besides four other Members, who are styled Ordinary Members, the Governors of each of the Presidencies of Bengal, Madras, and Bombay, sit as Extraordinary Members of the Government whenever the Governor-General assembles his Councillors together within his territory. Besides these, there are Additional Members for making laws and regulations, and five Secretaries to the Government—one for Home Affairs, who controls the administration of the law in the same way as our Home Secretary does in England; another for Finance, who manages taxes and the expenditure of public money; a third for Foreign Affairs, who transacts all business which may arise between the Indian Government and the Governments of surrounding countries; and the fifth for Public Works, such as the making of roads, railways, docks, and carrying out irrigation schemes, of which there is great need in India, owing to the heat of the climate and the recurrence of seasons of drought.

The local affairs of the three Presidencies are regulated by their three Governors, each of whom is assisted by a small Council, his private advisers, and some Additional Members for making laws and regulations, besides an establishment of Secretaries, Revenue Collectors, Judges, and Magistrates. These officials are responsible to the Governor of their Presidency; the Governors of the Presidencies are responsible to the Governor-General, or Viceroy, who is responsible to the Secretary of State, who, in his turn, is responsible to the Crown and to Parliament.

This elaborate machinery for the government of India is necessary on account of its great size. The Presidency of Bengal alone is six times as large as Great Britain, and the population under British rule in India numbers 130,000,000. There is no Parliament in India as there is in most of our Colonies. Laws are made there by the Council just referred to, and the only protection the people of India have from oppression is the watchfulness of the English Parliament over their liberties. Recently, however, natives who have distinguished themselves have been advanced to positions of trust in the Government; there are three natives in the Council of the Governor-General, and it is hoped that, in time, as the

native population becomes educated, the people will appreciate good Government and be anxious to take a part in it. The Government of India costs the natives between £40,000,000 and £50,000,000 a year.

THE FIRST LORD OF THE ADMIRALTY.

The First Lord of the Admiralty is the Cabinet Minister, who undertakes the management of the British navy. Formerly the head of the navy was styled the Lord High Admiral of England, whose position as regards the navy corresponded with that of the Lord High Treasurer as regards the nation's receipts and expenditure. But the office of Lord High Admiral also, like the office of Lord High Treasurer, was in 1688 put into commission, that is to say, the duties of the office were distributed among several persons, who are called Lords Commissioners of the Admiralty. They are five in number, including the First Lord. They are also called the Board of Admiralty, because the original intention was that the Lords Commissioners of the Admiralty, with the Chief Secretary, should consult together upon matters connected with the navy. This was thought necessary, because it generally happened that the office of First Lord of the Admiralty was given to a statesman who was chosen on account of his high standing as an administrator rather than because of his knowledge of ships of war; indeed, cases have been known of the office of First Lord of the Admiralty being held by statesmen who had never been on board a ship of war in their lives. This may appear very strange, but a little consideration will show that it is not by any means a bad feature in the administration of naval affairs. Let us consider the matter. The First Lord is appointed, we will say, because he has shown himself to be a man of sound judgment in every department of the State which he has occupied. Two of the Lords Commissioners, we will suppose, are appointed because they can boast of long experience in naval affairs, having served in the Navy from their youth and occupied every position in the Service from midshipman to admiral. The Fourth Lord owes his appointment, let us say, to his experience in shipbuilding or dockyard management. The

Fifth Lord may be a rising statesman, having no connection with the navy; and the case of the Secretary, we will suppose, is the same. The First Lord would be the only Cabinet Minister among them, and he would be a member either of the House of Lords or the House of Commons; the others would be described as Sea Lords, or Civil Lords, or Junior Lords, as the case might be; and the Secretary would be, in all probability, a member of the House of Commons. Now, it is easy to understand that a man who has spent all his life in a profession might become prejudiced in favour of its old customs and impatient of any change. This, it is supposed, would be the case with men who had served in the navy all their lives, and, consequently, it has been held to be impolitic to place at the head of the navy a naval officer, however distinguished, altogether uncontrolled. At the same time, no one would be more competent to give an opinion upon any question connected with the navy than an admiral. Accordingly it has been thought best to associate together several competent men, each of them experienced in one department or another, and place at their head a distinguished statesman, who would, in all matters of moment, consult with them and form an opinion upon the basis of their experience. In this way, it is believed, a thoroughly sound and unprejudiced conclusion is arrived at.

The First Lord of the Admiralty, advised in this manner, has supreme control under the Crown, of everything connected with our Navy; it is under his direction that ships are built and manned, and that officers are appointed to command them. No ship of war sets sail without orders from the Admiralty, and all commanders are responsible to the Board for misconduct. The First Lord of the Admiralty has to provide vessels, or transports, for the conveyance of troops when required by the Secretary of State for War; and the Coastguard Service, and the Royal Naval Reserve, which form our reserves of seamen, are under his control. The men of the Coastguard are posted round the entire coast, not only to prevent smugglers landing goods upon which customs' duty should be paid, but it is part of their duty to report to the Admiralty if a foreign man-of-war is seen by them, no matter how peaceful

her appearance and intentions. They are also charged with the saving of life from shipwreck by means of the rocket and life-boat apparatus, the protection of wrecked property, and the instruction of the naval reserve of merchant seamen. The Royal Naval Reserve are merchant seamen who undergo twenty-eight days drill in each year, who receive an annual retaining fee paid through the Board of Trade, and who undertake to serve in the navy upon any sudden emergency. The expenditure upon the navy, including the pay of the men, the cost of the ships and fortifications, and the salaries of officials, sometimes reaches, and even exceeds, £10,000,000 a year.

THE PRESIDENT OF THE BOARD OF TRADE.

The President of the Board of Trade, who is invariably a Cabinet Minister, occupies a very important position in the Government. England is essentially a commercial country, and the Minister at the head of the department which has the control of her commerce must necessarily be an important personage. England is at once great as a mine, a manufactory, and an entrepôt. Being rich in coal, in iron, and in people, we of necessity produce more than we can consume, and our merchants send, and our railways and ships carry, the surplus to towns in England where it can be disposed of, or across the seas to countries whose people are in want of our productions. We do not grow tea in this country, nor cotton; but we need both, and our merchants bring them to us from abroad. The tea we use as an article of diet, but the cotton is brought to us in its raw state, and our cotton spinners turn it into calico and other useful materials. This is done in such large quantities that when we have supplied our wants there is still a large quantity left for our merchants to send abroad to places where cotton is neither grown nor spun, and where the people are anxious to pay us for bringing it across the seas and spinning it, and afterwards carrying it to them. And besides this, we are continually receiving in our ports and harbours goods and merchandise from abroad far in excess of our own wants, and these goods and merchandise here find ships by which they can be conveyed to countries where the

people are anxious to receive them. In all our transactions with foreign countries, by which England grows rich, the carriers play a most important part, and it is these carriers, and all connected with them, whom the Board of Trade chiefly controls. But so great are the ramifications of trade, that we find the office of the Board of Trade dealing with, and having superintendence over the opening and proper conduct of Railways and Tramways, the Publication and Revision of the Standard of Weights and Measures and Tariffs, the Registration of Designs and Copyright, the control of Art Unions and of Industrial Exhibitions, the supply of Water and Gas, the granting of Charters of Incorporation, and the conduct of Insurance and all other Joint Stock Companies; it is chief in the administration of all matters connected with the Sea, Lighthouses, Harbours, Piers, and Foreshores, and the Oyster and Mussel Fisheries are under its control; it has to do with the Registration and Measurement of Ships, the Testing of Chain Cables, and the Survey of Passenger Ships, the Examination of Masters and Mates of Ships, the Health and Discipline of Seamen, the Rule of the Road at Sea, the whole System of Pilotage, and Signals at Sea, the Use of Rockets, Lifeboats, and all Means of Saving Life at Sea, and the Care of Distressed Seamen Abroad; it also enquires into the Causes of Wrecks and Explosions at Sea. In no department of the State is there so great a necessity that the Chief should be possessed not only of power to comprehend the laws and requirements of commerce, but also a capacity for administrative details. At one moment he is engaged upon the most grave questions of principle, and at another with the most minute details. To-day his advice may be required on a delicate point connected with some treaty with a foreign power; to-morrow he may be laying down a minute rule for the survey of the boilers of a passenger steamer, or the regulation of an oyster bed.

The Board is theoretically composed of members of the Privy Council, who are known as the Right Honourable the Lords of the Committee of Her Majesty's Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations. The matters connected with "Foreign Plantations," which

is only the original description of what we now understand by our Colonies, have been taken away from the Lords of Trade, and now form the duties of the Colonial Office. But although the Board is theoretically composed of a Committee of the Privy Council, the President and the Parliamentary Secretary are responsible to Parliament and the country for the policy pursued by the Board, and under their superintendence the business of the department is managed by a Permanent Secretary, and three Assistant Secretaries, who carry into effect the provisions of Acts of Parliament relating to trade. In all matters connected with commerce, so far as carrying into effect the intentions of the Legislature is concerned, the Board of Trade is supreme, and its uniform object is to see that the public is well served, and that life and property is not unnecessarily exposed to danger. For instance, no railway or tramway can be opened until it has been inspected by an officer of the Board of Trade; this is supposed to prevent companies opening imperfect and dangerous lines. In the same way no steam vessel is permitted to carry passengers unless the regulations of the Board are complied with; and it is the Board of Trade who advises Her Majesty in Council what orders should be made as regards lights to be shown by vessels at sea. The Board of Trade also collects statistics; it furnishes periodical returns of our imports and exports, and ascertains as accurately as possible the amount of corn grown in the country. The Board of Trade, as the department having control over the Mercantile Marine of the country, also undertakes the duty of keeping the members of the Royal Naval Reserve together, and of paying their annual retaining fees.

The salary of the President of the Board of Trade is £2,000 per annum, of the two Secretaries £1,500 each, and the three Assistant Secretaries, £1,200 each. The total cost of the Department is about £100,000 a year.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD.

The President of the Local Government Board is an official who was formerly known as the President of the Poor Law Board; he is

not always in the Cabinet, but his office is rising in importance every year. He controls all matters relating to public health as far as it is influenced by local administration. He is, to a great extent, the controller of all local boards, elected by the ratepayers of the various towns and counties throughout the country for the purpose of administering relief to the poor, and for carrying out such local public works as do not come within the province of the Home Secretary. The department is represented by several inspectors, one of whom upon the occasion of any complaint as to the conduct of relieving officers, masters of workhouses, or Boards of Guardians, proceeds to the spot, and conducts an enquiry into the matter complained of.

THE FIRST COMMISSIONER OF WORKS AND PUBLIC BUILDINGS.

The First Commissioner of Works and Public Buildings is seldom a member of the Cabinet, and is an official of minor importance. He is at the head of the department which controls all expenditure connected with the repair of royal palaces and public buildings, and the maintenance of royal parks. He has also to control the expenditure on account of furniture for the public offices, and if any new offices are required, his is the department to which plans are submitted, and which superintends the works when actually in progress. He is assisted by several secretaries, surveyors and accountants, but he is himself the only representative of the department having a seat in Parliament. His salary is £2,000 a year.

THE POSTMASTER-GENERAL.

The duties of the Postmaster-General are more easily described than those of any other member of the Government. He is at the head of the Post Office, which includes the control of the telegraph system throughout the country. Whether the holder of the office is a member of the Cabinet or not, entirely depends upon personal considerations, because no questions of State policy are likely to arise out of the management of a department which is nothing more than a great carrying concern. The business of transmitting letters might be carried on by a company in the same way as the railways are managed by private persons; in the same way, in fact, as the

telegraph was formerly managed, but it is thought best that so large an undertaking as the Post Office should not be in the hands of any private person, for fear one section of the community should be favoured at the expense of another. Besides this, it is expedient that the country should have a cheap and rapid means of intercommunication; the cheaper and more rapid the means of intercommunication the greater the amount of business transacted by the country, and, consequently, the greater its prosperity. Now it is clear that if the letter-carrying were in the hands of private persons, their chief object would be profit for themselves; but the head of a public department seeks in the first place the convenience of the public, and it is a rule with the Postmaster-General to make as little profit as prudence will permit. The salary of the Postmaster-General is £2,500 a year; the total expenditure of the department is about £3,600,000, and the receipts from the public £4,600,000, showing a profit of £1,000,000. The profit of course varies from year to year because the postage of letters is reviewed from time to time, and reduced as circumstances will allow.

THE CHANCELLOR OF THE DUCHY OF LANCASTER.

The Chancellor of the Duchy of Lancaster is the head of the department which manages the property attached to the Dukedom of Lancaster, which formerly belonged to the Sovereigns of England, but is now held by the Crown as the property of the State. The duties of the office are not very onerous, and are for the most part discharged by the Chancellor's subordinates, the chief of whom holds a position somewhat analagous to that of steward to a nobleman possessing large estates, but of course the position is one of far greater distinction. It sometimes happens that the office of Chancellor of the Duchy of Lancaster is held by a statesman whose services are needed in the Cabinet, but whose age prevents him from undertaking the control of a department requiring much attention.

THE LORD LIEUTENANT OF IRELAND.

The Lord Lieutenant of Ireland, who is always a Peer, lives in Ireland and controls the administration of the law throughout that

country in the same way as the Home Secretary does in this. But he is something more than a Home Secretary; the judges and other officials are appointed upon his recommendation, and he lives at Dublin Castle in a style equal to that of some foreign princes. His salary is no less than £20,000 a year, but being generally a nobleman of great wealth he usually spends thrice that sum while in office. The lord lieutenants of counties, the sheriffs, and the magistrates are all appointed by him as representing the Crown; all applications for reprieve of convicted criminals are made to him, and he is in all respects King of Ireland, subject only to the Cabinet, or, in theory, to the Sovereign of the United Kingdom. But in all his proceedings he acts in concert with the members of the Cabinet in London, of whom his Chief Secretary is generally one.

THE CHIEF SECRETARY FOR IRELAND.

The Chief Secretary of the Lord Lieutenant of Ireland has an office in London as well as in Dublin, and during the sitting of Parliament he usually remains in England. While the Lord Lieutenant represents the Government in Ireland, his Chief Secretary represents the Irish Government in Parliament. Upon occasions when matters of great moment to Ireland are under discussion in the Legislature, it is usual for both the Lord Lieutenant and the Chief Secretary to be in London, the one to represent the department in the House of Lords, the other in the House of Commons. Upon such occasions the office of Lord Lieutenant is put in commission, and his seals of office are left in the care of two or three of the most distinguished members of the Irish administration, probably the Lord Chancellor, the Lord Chief Justice, and the Commander-in-Chief. The Chief Secretary of the Lord Lieutenant has a salary of £4,425 per annum, and the whole cost of his department in London amounts to between £16,000 and £17,000 a year.

THE ATTORNEY-GENERAL.

The Attorney-General is the officer who represents the Crown in courts of law in all cases where the rights of the State

have to be defended; he is knighted upon being appointed, but is not made a Privy Councillor. He examines petitions for patents, gives opinions upon points of law which arise in connexion with the Government, and defends the policy of the Government in the House of Commons when legal questions are at issue. He quits office with the Prime Minister who appoints him. The office of Attorney-General, though of great dignity and importance of itself, is of still greater importance when regarded as a stepping-stone to higher office. Whenever the Lord Chancellorship becomes vacant by any occurrence other than a change of Government, the appointment is usually offered to the Attorney-General, who by custom, also expects the first offer of any position among the judges that may become vacant during his term of office.

THE SOLICITOR-GENERAL.

The Solicitor-General holds a position with regard to the Attorney-General somewhat similar to that an Under Secretary of State holds to the Chief Secretary of his department, except that he is not appointed by the Attorney-General but by the Prime Minister himself. He is appointed from among the Queen's Counsel, must by custom be a member of the House of Commons, is knighted upon being appointed, and quits office with the Minister who appoints him. He usually succeeds to the office of Attorney-General, if it should become vacant by death or preferment, or in any way other than that of a change of administration.

THE ATTORNEY-GENERAL AND SOLICITOR-GENERAL FOR IRELAND.

There is also an Attorney-General and a Solicitor-General for Ireland, who represent the Crown in the Irish Courts, and sometimes they secure seats in the House of Commons, where they actively support the Government in respect of all measures affecting Ireland.

THE LORD ADVOCATE AND SOLICITOR-GENERAL FOR SCOTLAND.

The representatives of Scotland in the Government are the Lord Advocate, who occupies a position somewhat similar to that of the Attorney-General, and the Solicitor-General for Scotland. If these

officers happen to secure seats in the House of Commons they represent the Government upon domestic as well as legal matters affecting Scotland; for, strange as it may seem, the laws of England are not in all cases the laws of Scotland, and new laws are passed every year continuing this difference. The Lord Advocate has an office in London, and the department over which he presides costs the country upwards of £72,000, his own salary being £2,387. The Attorney-General and Solicitor-General for Ireland, the Lord Advocate and Solicitor-General for Scotland, all retire from office with the Prime Minister who appoints them.

THE OFFICERS OF THE KING'S HOUSEHOLD.

The officers of the King's household, who are appointed by the Prime Minister, and remain in office only as long as he, are the Lord Steward, who presides over the Board of Green Cloth, which manages the palaces set apart as residences for the Sovereign; the Comptroller of the Household, who is also a member of the Board of Green Cloth; the Lord Chamberlain of the Household, who controls all persons employed in the chambers of the Sovereign, and his deputy, the Vice Chamberlain; the Master of the Horse, who has control over the equerries, grooms, and all others concerned in the management of the Sovereign's horses; the Master of the Buckhounds, who occupies a like position with regard to the kennels of the Sovereign; the Master of the Robes, and the Mistress of the Robes, whose titles describe the duties of their office.

Some think it very singular that such officials as these—the Master of the Horse, and the Mistress of the Robes, for instance, —should go out of office with the Prime Minister; but it is held by very high authorities that these officers, who hold in some cases almost daily intercourse with the Sovereign, might exercise such influence over the King or Queen, or both, as materially to interfere with the advice given by the more responsible minister, and thus prevent good government. The Duke of Wellington felt this so strongly that when, in 1828, he was required by the King to form an administration, he declined the resposibility, unless he was

allowed to appoint the Mistress of the Robes to the Queen. The point was conceded, but as the Duke had no objection to the lady who formerly held the office returning to it, he advised his Majesty to re-appoint her. The Duke of Wellington foresaw that, although there was little probability of the lady who then held the office of Mistress of the Robes, interfering with the counsels of the King, it might not be so at some time in the future, when it would perhaps be more difficult to correct the evil.

Having now described the whole of the officers of the State who act under the Prime Minister, let us run over the list, taking them in the order of their importance.

The following are invariably Privy Councillors and members of the Cabinet of the Sovereign: The First Lord of the Treasury, the Lord Chancellor, the Lord President of the Council, the Lord Privy Seal, the Chancellor of the Exchequer, the five principal Secretaries of State, for the Home, the Foreign, the Colonial, the War, and the Indian department, the First Lord of the Admiralty, and the President of the Board of Trade.

The following are sometimes in the Cabinet, and sometimes not: The Chief Secretary for Ireland, the First Commissioner of Works, the Postmaster-General, the President of the Local Government Board, the Vice-President of the Committee of Council on Education, and the Chancellor of the Duchy of Lancaster.

The following never have seats in the Cabinet: The Lord Lieutenant of Ireland, the three Junior Lords of the Treasury, and the two Secretaries to the Treasury; the Junior Lords of the Admiralty and the Secretary to the Admiralty; the Attorney-General and the Solicitor-General; the Attorney-General and Solicitor-General for Ireland; the Lord Advocate and Solicitor-General for Scotland; the five Under Secretaries to the five principal Secretaries of State; the Parliamentary Secretary of the Board of Trade, the Secretary to the Local Government Board, and the officials of the Royal Household.

CHAPTER V.—THE RESPONSIBILITY OF MINISTERS.

The object of this chapter is to explain what is meant when people speak of the responsibility of Ministers. Every official, whose duties have been briefly described in the last chapter, is, of course, responsible for the discharge of those duties, just in the same way as every person who undertakes to serve another is responsible. Equally, as a matter of course, the superior officers incur greater responsibility upon undertaking the duties of their several posts than the inferior. The principal Secretary of State for the Home Department, for instance, incurs greater responsibility than the Under Secretary for the Home Department, whom he appoints. This, however, is not the full meaning of the word "responsibility," as applied to Ministers of the Crown.

A long time ago the great officers of State were appointed by the Sovereign, without much regard to their qualification for the offices they were appointed to. The King appointed whom he chose, and the office bearer very often considered only the personal interests of the King, without having any regard whatever for the interests of the King's subjects. Thus we read of a King appointing his favourite companion Lord Chancellor, and perhaps we read of the same favourite doing very bad actions as Lord Chancellor, without losing his office. Nor did it matter in those days whether the King's Ministers had seats in Parliament or not. It is the same now in theory, but it has become the practice never to appoint anyone to fill the high offices of State who has not a seat in either one or other of the Houses of Parliament, because it is felt to be necessary that the heads of departments should always have the confidence of the people, and be liable to be called to account in Parliament for their acts. And this is the key to the whole matter. The Ministers of the Crown can carry on the government of the country without the assistance of the House of Lords and the House of Commons up to a certain point; and the work they have to do can be done quite well without any interference upon the part

of Parliament, but for two things. In Chapter II., which describes the position of the Crown, it is stated that the King can declare war against any foreign Powers, without asking the permission of Parliament. This is true, but inasmuch as Parliament passes the Mutiny Act for only one year, the King and his Ministers would have no control over the army and navy, unless Parliament chose to re-enact the Mutiny Act year by year; consequently, although the King may declare war, it is the people who say whether the war shall be carried on; and no Minister would advise the Sovereign to declare a war unless he was quite sure the people would agree to continue it. In the same way Parliament does not authorise the imposition and collection of taxes for more than one year at a time, consequently Parliament must be called together once in each year to vote money, or supplies to the Crown. If this were not done, neither the soldiers, nor marines, nor any of the servants of the Crown, could be paid, and the whole machinery of the Government would come to a stand-still. Parliament being called together, the Ministers of the Crown must severally make their appearance in one or other of the Houses of Parliament, and make known the wants of the Crown. Immediately they appear in Parliament the representatives of the nation can call them to account for their acts during the time Parliament has not been sitting. Each Minister has to answer for the good management of his own department, and if any Minister has committed any great mistake, his conduct immediately becomes the subject of discussion; but although the act criticised may be the act of a single Minister, the whole Cabinet accept the responsibility of it, and regard it as an act of the Sovereign, done in accordance with their advice. So important is the good and wise conduct of a Ministry held that this discussion takes precedence of everything, and no business is transacted until it is disposed of. The debate may continue over many days; and all the colleagues of the Minister whose conduct is questioned will do their best to defend him, and in the end the question will be put to the vote. This is called a Ministerial crisis, and the motion a motion of want of confidence. If the result of the voting should be that a larger number vote in condemnation of the act of the

Minister than in approval of it, the whole of the Ministers resign their places, including every official whose duties are described in the last chapter. We must observe that the members of the Government resign, not because the Sovereign is displeased with the manner in which they have managed affairs, but because the House of Commons is displeased with the advice they have given to the Sovereign; and we must notice further that although many of those who voted in condemnation of the particular act would in all other respects approve the conduct of the Ministry, yet, notwithstanding it is only a single act of a single Minister which is condemned, no Government could remain in office after this condemnation has been pronounced by Parliament. This is the most remarkable feature in the practical working of the British Constitution. In the first place, the responsibility of every single act of every individual member of the Cabinet is accepted by the whole body of the Government, and all are united in defending each other; but immediately any single act of any individual Minister is condemned by the elected representatives of the country, they all feel the reproach and forfeit the dignity and emoluments of office, because they are too honourable to hold a post a single day after their competency to discharge its duties with credit to the country has been successfully questioned. They have, however, one alternative. If they have reason to believe that their policy is approved by the country itself, though not by the then existing House of Commons, they can advise the Sovereign to dissolve Parliament and cause another to be elected, so that the voice of the country itself shall be expressed upon the point at issue. This is called appealing to the country, and if the new Parliament is of the same opinion as that which was dissolved, the Government has no choice and must resign.

No sooner has a Government resigned than a new one has to be appointed, and this is one of the very few occasions upon which the personal views and wishes of the Sovereign have direct influence upon the course of events, but even in this case the Sovereign's wishes are not supreme. The Sovereign must appoint, as Prime Minister, one in whom Parliament has confidence, or who,

in other words, is trusted by the country; and the Prime Minister, charged by his Sovereign with the duty of forming a Government, must, as we have already seen, in the first place, find some twenty other men among his adherents competent and willing to undertake the duties of the principal offices of State, and then having found them, all those whom he has chosen, who happen to be members of the House of Commons vacate their seats immediately they accept the office to which they have been appointed, and have to go to their constituencies and ask to be re-elected. Thus it comes to pass that the appointments made by the Sovereign have to be endorsed by the electors, and although, technically speaking, the appointments are made independently altogether of the wishes of the people, and entirely at the pleasure of the Sovereign, unless those Ministers who are commoners can secure re-election, they are bound to resign their posts, and others must be appointed in their stead. This, however, seldom occurs. Appointments to high offices of State are made with so much care, and the men chosen are of such high repute, that it is seldom a constituency cannot be found to re-elect them, even if their former constituency prefers another in their stead.

It is, therefore, no exaggeration to say that, although the Ministers of the Crown are not actually nominated by the people as represented in the House of Commons, they are practically so appointed, and, as a matter of fact, hold office during the pleasure of Parliament. The natural consequence is that they are careful to exercise the royal authority in such a manner, or, as it is technically described, give such advice to the Sovereign as they believe will be approved by a majority of the people, and that not a small but a very large majority. Now, if it happened that the Sovereign wished to submit a measure to Parliament which the Cabinet believed would be contrary to the will of the people, they would refuse to give their consent to his proposals, and if he were to insist they would resign, and he would have to find some ministers who would endorse his proposals before they could be even submitted to Parliament. If, for instance, he desired to imprison anyone who was personally obnoxious to him, as Kings in former times often did,

he would have to find a Cabinet which would approve his wishes. If he were successful in securing such a Cabinet, which would in these days be almost impossible, the policy and legality of the act would be called in question in Parliament, and the Ministers who advised it would be compelled to resign. As no Ministry would act so unwisely as to give advice which they knew would inevitably lead to their resignation, the King would find it impossible to do this improper thing although supreme; and under these circumstances we may truly say the King can do no wrong. But the very same reasons which make it impossible for the King to procure a Cabinet which will take the responsibility of advising him to do wrong, also induces the Cabinet to give advice exactly corresponding with what they believe the wish of the country to be. In proportion as a Minister does this he is said to be successful or the reverse; and as all Ministers try their utmost to act in accordance with the wishes of the country, that they may the longer retain power, the official acts of the Sovereign are as nearly as possible the exact expression of the will of the people; so we may fairly say that when the King acts it is the people themselves who act.

CHAPTER VI.—PARLIAMENT.

PARLIAMENT, technically speaking, consists of the Crown, the House of Lords, and the House of Commons, but the word "Parliament" is commonly used to represent the House of Lords and the House of Commons as opposed to the Crown, and we shall use the word in that sense, especially as it has come to us from the French word *parlement*, discourse, and is commonly understood by us to mean a deliberative assembly.

It will have been gathered from the foregoing chapters that although the whole authority of the Sovereign and all the powers necessary to govern the country reside in the hands of the Cabinet, who, with the less prominent members of the Government, form the Executive, yet the supreme power of control is held by Parliament. How this has come to pass forms the most interesting portion of the history of our country, but this chapter is designed merely to describe things as they are in the present day; the growth of the power of Parliament is dealt with in another.

Parliament consists of two chambers, commonly called the House of Lords and House of Commons, and sometimes styled the Upper and Lower House respectively.

THE HOUSE OF LORDS.

The House of Lords is composed of the nobility of the land, who are called Peers, or equals, and of the Archbishops and Bishops of England. The Peers are styled Lords Temporal, and the Archbishops and Bishops, Lords Spiritual. The Peers are divided into three classes, each of which holds a position in relation to Parliament, different from that of the other two. The first class is composed of Peers who sit in their own right, either as heirs to the dignity of the Peerage, or by virtue of having been created Peers by the Crown. The second class consists of sixteen Scotch Lords, elected by the Peers of Scotland, to represent them during the Parliament then called; and the third class of twenty-eight Irish Lords, elected by the Peers of Ireland to represent them for life in

successive Parliaments. This distinction between the different Peers arises from the changes which have occurred, from time to time, in the relation existing between England, Ireland and Scotland. In former times, when the three portions of the United Kingdom each had its Parliament, the Peers of Scotland and Ireland sat in their own Houses of Lords, and when the Union was negotiated, an arrangement was come to by which the Peers of Scotland and the Peers of Ireland should be represented in the Parliament of the United Kingdom. It was accordingly agreed that the Scotch Peers should elect sixteen of their number for each Parliament, and only for the Parliament; and when the Union with Ireland was negotiated, it was settled that the Peers of Ireland should elect twenty-eight of their number to represent them for life. The same cause has given rise to a distinction between Peers who sit by right of their peerages. There are Peers of England, who hold peerages created by the Crown before the year 1707, the date of the Union between England and Scotland; Peers of Great Britain, who represent peerages created between the years 1707 and 1800, when Ireland was united to Great Britain; and Peers of the United Kingdom, who sit in right of peerages created since the year 1800. There are yet further distinctions which should be drawn between Peers in their relation to Parliament. Several Scotch and Irish Peers have succeeded to peerages, or have been created Peers, with the right to sit in Parliament; and, although they are commonly known by their Scotch or Irish title, they are not elected Peers, but sit in their own right as Peers of the Realm. The Duke of Argyll, for instance, sits as Baron Sundridge, and the Earl of Longford sits as Lord Silchester in the peerage of the United Kingdom. Those Peers of Ireland who are not chosen to represent their body in Parliament may offer themselves as candidates to represent English or Scotch constituencies, but not Irish, in the House of Commons. Scotch Peers, however, have no such privilege: unless returned by their Peers to the House of Lords they cannot sit in Parliament. There is one other difference between the peerage of Ireland and Scotland: Peers of Scotland are no longer created, so that in time the distinction between Scotch Peers

and Peers of the United Kingdom may die out; but for every three peerages of Ireland that become extinct, the Act of Union entitles the Crown to create one new peerage, and when the number of Irish Peers is reduced to 100, one new peerage may be created for every one that becomes extinct.

The following are the titles of Peers set down in their order of precedence:—Duke, Marquis, Earl, Viscount, and Baron. The title of Lord is common to all. But, although all Peers may be addressed by the title of "Lord," it must not be supposed that all persons who are styled "Lord" are Peers of Parliament, because the eldest sons of Dukes, Marquises, Earls, and Viscounts, sometimes bear by courtesy the inferior titles conferred upon or inherited by their fathers, and are commonly known as Marquises, Earls, or Viscounts. For instance, the heir to the Duke of Buckingham is commonly styled the Marquis of Chandos. The younger sons of Dukes, Marquises, and Earls also are styled by courtesy Lord John or Lord Henry, as the case may be. But these titles confer no Parliamentary privileges, and those who bear them are commoners in the eye of the law.

The Archbishops and Bishops of the Established Church of England and Wales sit and vote as Barons by virtue of their office as Spiritual Peers, with the exception of two: the Bishop of Sodor and Man, and the last Bishop appointed. If, however, the last Bishop appointed should be the Bishop of London, Durham, or Winchester, he takes his seat at once, and the prelate last appointed before him continues to be excluded until a vacancy occurs in one of the other sees. The Archbishops of Canterbury and York are also excepted from this rule. The Bishop of Sodor and Man may sit in the House of Lords, but may not vote.

Peers who sit in Parliament by their own right, that is, the Peers of England, Great Britain, and the United Kingdom, take their seats on the assembling of Parliament as a matter of course, although in olden time they had no right to sit and vote in Parliament unless summoned by the writ of the Crown. The right of the Bishops to sit in the House of Peers is more obscure, but custom has sanctioned the title of English Bishops as well as Peers

to sit and vote in the House of Lords without question. Bishops, however, are regarded as Peers in no other respect. They rank after Barons, and cannot, as Peers, claim to be tried by a jury of the House of Lords on being charged with any breach of the law.

The number of Peers composing the House of Lords is not fixed; it amounts to about 460, but it is liable to decrease by the death of Peers without heirs, and to increase by the creation of new Peers. Peers who are minors or imbecile or bankrupt do not sit in the House of Lords. In former times, the Kings of England conferred the dignity of the peerage upon subjects as often from caprice or favoritism as from any other cause, but now the dignity is conferred by the Sovereign on the advice of the Ministers of the Crown, and is generally bestowed upon men who have done distinguished service to the State, either as politicians, men of letters, or lawyers, or as great military or naval commanders. The House of Lords is thus composed of the most distinguished men in the country, or the descendants of those who, in their day, had made themselves famous, by rendering distinguished service to the State.

The Lord Chancellor, who is, as we have seen, a member of the Government, presides over the House of Lords, and when acting in this capacity he is styled the Speaker of the House of Lords. It is not necessary that he should be a Peer, but he is usually created a Peer on his appointment, and being so he has a right to join in debate and to vote in the same way as any other Peer, but he has no casting vote when upon a division the numbers are found to be equal. When the House is sitting upon ordinary occasions, the Lord Chancellor takes his place upon the Woolsack, wearing a full bottom wig and a plain black silk gown. The Woolsack may be described as a large ottoman, stuffed with wool. It is supposed that this was the kind of seat used by the president of the most ancient councils held in England, and that it was so used in order to remind the people of the importance of cultivating wool as an article of merchandise. This seat is not, technically speaking, in the House, so that when the Lord Chancellor, being

a Peer, wishes to exercise his right to address the House, irrespective of his position as Lord Chancellor, he advances three steps forward. He puts all questions to the House upon which a vote has to be taken, but it is no part of his duty to keep order or control the House, because the Peers do not acknowledge that any one of their number is superior to the rest: they are all Peers or equals.

There is a Deputy Speaker of the House of Lords, who is also Chairman of Committees. He takes the place of the Lord Chancellor whenever the latter is absent, and if both are absent, any Peer may be nominated President for the time being. The title of "Speaker" comes from the fact that one of the duties of the Lord Chancellor as President of the House of Lords is to represent it and speak for it when it desires to address the Sovereign or any other person or persons.

There are several other officials connected with the House of Lords, the duties of whose offices will become more clear when we come to describe the Parliament in the actual conduct of business. In the first place, there is the Gentleman Usher of Black Rod, and his deputy the Yeoman Usher of Black Rod. These officers are the servants of the Crown appointed by the Sovereign to wait upon the House of Lords. When officiating they appear in Court dress and carry a black rod, bearing upon its top a golden lion seated. Black Rod controls the approaches and galleries of the House, and the messengers and doorkeepers are directed by him. The Serjeant-at-Arms is in like manner appointed by the Sovereign to wait upon the House of Lords. He stands behind the Lord Chancellor when the House is sitting, and carries the mace before him as he enters and leaves the House. The great seal is carried after the Lord Chancellor by the Deputy Sergeant-at-Arms, and both the mace and great seal are placed upon the Woolsack while the House sits.

There are also three clerks appointed to sit at the table of the House. The chief is the Clerk of Parliaments, who calls on the business; the second is his Deputy, who makes a record of what business is transacted; and the third is the Reading Clerk and

Clerk of Private Committees, who reads all documents required to be read in the House. The Clerk of the Parliaments is also the medium of communication between the two Houses of Parliament.

THE HOUSE OF COMMONS.

The House of Commons is composed of the representatives of the third estate of the realm, the Commons, chosen according to law. It numbers 658 members, 404 of whom represent cities and boroughs, and 254 counties. England and Wales send 500, Scotland 53, and Ireland 105. These members are chiefly composed of country gentlemen, members of the learned professions, and successful merchants and manufacturers, who, either by their personal talents, social position, or wealth, have been able to inspire the Electors of some portion of the country with confidence. Many of them are the sons and heirs of Peers, and some are Peers of Ireland who have been returned by English constituencies. The Marquis of Hartington, son of the Duke of Devonshire, is an instance of the former; the late Lord Palmerston is an instance of the latter. Unlike the House of Lords, the House of Commons consists entirely of these elected members. No one has a seat by prescriptive right, and none but those elected are allowed to enter the chamber on any pretext whatever, except a few appointed officers.

The summoning of Parliament, which includes calling together those having seats in the House of Lords, as well as those who have been elected to represent the Commons, depends upon a resolution come to by The Cabinet. Let us suppose that there is no House of Commons in existence, and that The Cabinet resolve to advise the Crown to call Parliament together. The Crown immediately holds a Council, which is attended probably by two or three of The Cabinet, and an Order is made by the Sovereign, directing the Lord Chancellor to issue writs for the election of representatives to serve in the House of Commons. This is done forthwith. The writ names the day and place of meeting, and directs the returning officer in every city, borough, and county in

the kingdom to make arrangements for the election of representatives to serve in the Commons' House of Parliament. The returning officer in counties is generally the Sheriff of the county, and in cities and boroughs the Mayor. Upon receipt of the Lord Chancellor's writ, the returning officer issues a notice, fixing a day upon which the electors shall nominate their representative, and if upon that day more candidates are nominated than are required, the returning officer fixes a day upon which a poll of the electors shall be taken. Upon that day, every elector who chooses attends at one of the places appointed, which are called "polling places," and there records his vote for the candidate he desires should represent him. In due time the returning officer adds up the number of votes polled by each candidate, and declares those having the largest number to be elected. In most cases where the candidates outnumber the seats possessed by a borough or county, each candidate employs a large number of agents, who go from house to house trying to persuade the electors to vote for their employer. This practice, although not positively illegal, is discountenanced by the more honourable, not only because it leads to much unnecessary expense, but because it tempts the uneducated elector to regard his power to vote as a piece of property, which may be sold, rather than as imposing a duty to be discharged. Some electors, although they would refuse a bribe in money for their vote, often seek to obtain some advantage to themselves or their friends in exchange for it. Promises of personal advantage, however, are as much bribes as payment of money, and equally dishonourable, and those who are influenced in voting by motives of gain of any sort, show themselves to be enemies to their country and undeserving of good government. So, also, those who seek to influence voters by improper means, by promises of advancement, or by threats of harm in the future, and those who use any means to hinder electors from voting freely, all do grievous harm to the country. Laws have accordingly been made from time to time to punish those who misconduct themselves in this way, and on each occasion the law has been amended the punishment has been made more severe. Each elector should regard the vote he

possesses as a trust, and remember that in voting he is bound to discharge that trust for the public good, that, in fact, he is as responsible to the country for the motives which influence him in giving his vote as is any Member of Parliament for any vote he may give in the House of Commons itself.

Formerly, it was necessary that a man should possess a certain amount of property to qualify him to sit in Parliament, but now anyone may be a member of the House of Commons who can induce a constituency to return him, except an alien, a minor, one mentally imbecile, a peer, a clergyman of the Established Churches of England and Scotland, or a priest of the Roman Catholic Church, a judge other than the Master of the Rolls, a Government contractor other than a loan contractor, a bankrupt, and persons attainted of treason or felony, who are as dead in law. But, inasmuch as attendance at the sittings of the House of Commons occupies a great deal of time, no one who has to earn his livelihood can afford to accept the position, because members of the House of Commons do not receive any pay whatever for any service they may render as members of Parliament either by sitting and voting in the House or by sitting on Committees. Still the position is much coveted because of the social distinction it carries with it, and the influence in the State which it confers. The position also carries with it its peculiar temptations. The votes of members of the House of Commons are often anxiously solicited in respect of certain measures called "private bills," which are promoted by persons who hope to benefit by them. Such persons would be not unwilling to give money for a vote if they thought such a bribe would be accepted, and on this account it is held to be inexpedient that men of small means should to any great extent be induced to enter the House of Commons. Certainly, if we think only of what is desirable, we should all agree that every member of Parliament should be a paragon of honour, be perfectly secure from the influence of all baser motives, and never give a vote in favor of any measure unless he believes it will confer good upon the country.

Not only has the property qualification of members of Parliament been abolished, but changes have been made from time to time in

respect of the persons who are entitled to vote for members of Parliament, commonly called the electoral qualification, in the number and character of the places represented, commonly called the constituencies, and in the number of members each constituency should return. These changes constitute what is called the Reform of Parliament, and are embodied in Reform Bills. The necessity for these reforms arises out of changes which are daily occurring throughout the country. Places which were once small villages, having no right to return a member, gradually grow into large towns; and large towns having that right, lose their importance from some cause or other, and decrease in population. When this is found to be the case, the right to return the members is transferred from the decaying town to the flourishing community. The right to return members of Parliament and the number of those members is generally determined by population, but although for the sake of convenience members are always returned from particular places, it should always be remembered that a properly constituted House represents all the classes of the community, and indeed the object of all reforms is to secure the representation of all classes. Just as the House of Lords represents the aristocracy and the clergy through the Peers and the Bishops, so the House of Commons should represent landowners, merchants, shipowners, manufacturers, lawyers, doctors, and members of other learned professions, shopkeepers, mechanics, and day labourers. The lower classes are, however, always more or less imperfectly represented, because, although the poor have votes and have power to withhold those votes from the sitting member at a future election should he displease them, the knowledge of this is not always sufficient to overrule the influence upon the member's mind of the class to which he himself belongs. And as the majority of members of the House of Commons are wealthy, they have a tendency to side with the wealthy whenever the question at issue is a question of the rich as against the poor. This has given rise to the reproach that our Government, even in its most popular form, is a plutocracy, or a Government composed of the rich. The only way in which this can be corrected, and as, indeed, it is continually being corrected,

is for the people to make themselves acquainted with their rights, to watch the proceedings of Parliament, to call their respective representatives to account from time to time, and in all other respects to exercise the powers conferred by the franchise. This matter is wholly in the hands of the electors themselves, and if every elector throughout the kingdom were to do this and to vote for the man whom he believes in his heart will best serve his country without regard to any other consideration whatever, either of hope of reward or fear of incurring displeasure, there would be no fear of legislation for the benefit of one class at the expense of another.

CHAPTER VII.—THE ASSEMBLING OF PARLIAMENT.

At the time appointed for the assembling of Parliament, certain Peers, generally numbering five, and including the Lord Chancellor, and other Privy Councillors, appear in the House of Lords as Lords Commissioners. They wear the robes proper to their rank, and carry white staves in their hands; but, instead of their coronets, they wear three-cornered hats, such as judges wear on State occasions. They take their places on a form placed between the Throne and the Woolsack, and so seated, represent the Sovereign. Perhaps there may be some other Peers present, but as the proceedings of the day are somewhat formal, they would be few. Such as are present sit in the House itself, and being there as members of the Legislature, and not as Lords Commissioners, they do not wear their robes. The Commissioners having taken their seats, the Lord Chancellor informs the House that as it was not convenient for the Sovereign to attend the House in person, they had been commissioned to act in His or Her Majesty's stead. Accordingly, in virtue of that Commission, the Lord Chancellor orders the Gentleman Usher of the Black Rod to summon the Commons to the bar of the House of Lords. Black Rod goes upon his errand, and in the meantime the Lords Commissioners sit in silence.

The Commons are discovered by Black Rod without a Speaker, conversing with one another, without regard to the ordinary rules of the House, because, at this time, the House has not been fully constituted. In the first place they have no Speaker or President, and they have no power to proceed to business, until they have leave to do so from the Sovereign.

But, although there is no Speaker on the assembling of a new Parliament, the officers are there, because they are appointed by the Crown. Chief among these is the Clerk of the House of Commons, who is appointed by letters patent, and with him his two deputies. They sit in a row at the table, in front of the Speaker's chair; and at the other end of the House, by the bar,

sits the Serjeant-at-Arms, also appointed by the Crown specially to wait on the House of Commons. He also has two deputies, and a number of assistants. It is his duty to apprehend and keep in custody all persons committed by the House. He has to keep order, either by his own interference, or that of his subordinates, in the galleries, and the arrangements connected with the lobbies and approaches to the House are carried out under his direction. Either he or his deputy remains in the House throughout the sitting. It is the duty of the Clerk of the House to administer the oath to each member of the House upon his first presenting himself after election, whether in the case of a new Parliament, or in the case of a casual election, to fill a vacancy; and in order that he may be properly informed at the commencement of a new Parliament as to who has been returned, the very first act done upon the assembling of a new Parliament is for the Clerk of the Crown in Chancery to deliver to the Clerk of the House of Commons a book containing a list of the names of those returned. As soon as this is done neither the Lord Chancellor, nor the Court of Chancery, nor the Sovereign, have anything to do with the composition of the House of Commons, except by direction of the House itself. From that moment it conducts its own affairs. The Crown has called it into being, and can dissolve it, but cannot interfere with its deliberations while Parliament is sitting.

On arriving at the House of Commons, Black Rod informs the Clerk that the Commissioners desire the attendance of the Commons at the bar of the House of Lords to hear the Commission read. The members, accompanied by the Clerk, immediately go to the House of Lords, and upon their arrival the Lord Chancellor directs the Reading Clerk of the House of Lords to read the Commission, which proves to be a very voluminous document engrossed on vellum. It has attached to it the great seal and bears the sign manual of the Sovereign; it appoints the five Peers who form the Commission, and several others, who do not happen to attend, always including the Archbishop of Canterbury, and Princes of the Blood Royal, being Peers, to act in behalf of the Sovereign in the matters named in the Commission, and prescribes particularly what

powers the Commissioners are to exercise. As soon as the Commission has been read, the Lord Chancellor addresses the Commons in these words:—

"Her Majesty will, as soon as the members of both Houses shall be sworn, declare the causes of her calling this Parliament; and it being necessary a Speaker of the House of Commons should be first chosen, we have it in command from Her Majesty, that you, Gentlemen of the House of Commons, repair to the place where you are to sit, and then proceed to the appointment of some proper person to be your Speaker, and that you present such person whom you shall choose here to-morrow (at an hour stated, which would probably be two o'clock), for Her Majesty's royal approbation."

This ceremony being ended, the Commons return to their own Chamber.

CHAPTER VIII.—THE SPEAKER AND HIS OFFICE.

It is customary before the actual election of the Speaker for the Prime Minister to take counsel with other prominent members of the House as to the most desirable member for the office, and to arrange the programme of his nomination. The arrangement come to is privately communicated to the Clerk, who, sitting in his usual place in front of the Chair, points to the member who is about to nominate the Speaker, and in this way calls upon him to address the House, without mentioning his name. The member rises and formally moves that Mr. ——— be chosen Speaker, and he prefaces his motion by stating the qualifications his nominee possesses for the office. The motion being seconded, it is put to the House by the Clerk, and is usually carried unanimously. The Speaker-Elect then acknowledges the honour done him, and is conducted to the Chair by his mover and seconder. Upon taking his seat the Serjeant-at-Arms approaches the table of the House, and places the mace upon the table, an act which signifies that the House is "made." But the Speaker is not yet fully appointed, for his election must be approved by the Crown.

The duties of the Speaker are varied and onerous. He is the spokesman of the House of Commons in all its dealings with others. He has to manage in the name of the House when counsel, witnesses, or prisoners appear at the bar; to reprimand those who have incurred the displeasure of the House, and to offer the thanks of the House to those whom it may desire so to distinguish. When witnesses are wanted he summons them, and can compel their attendance. Whenever a vacancy occurs, the Speaker, in accordance with a resolution of the House, issues the writ for the election of a new member, and when the House is not in Session he directs writs to be issued on his own authority. When a member of the House of Commons succeeds to a Peerage, for instance, the Speaker obtains cognizance of the vacancy from the Crown Office and orders a writ to be issued as a matter of course; and on being informed of the death of a member by two others he does

the same. His ordinary duty is to preside at the debates of the House of Commons, and regulate them according to the rules of the House. Should a member persevere in breaches of order, the Speaker may "name" him as it is called, a course uniformly followed by the censure of the House. In extreme cases the Speaker may order a member or other person into the custody of the Serjeant-at-Arms, who holds him prisoner until the pleasure of the House be signified. If the House take no action respecting such committals, the prisoner is liberated at the close of the Session, for the House has no power to retain anyone in custody after Parliament has been prorogued by the Crown.

Some of the duties of the Speaker as President of the House of Commons will be more properly described when we come to the proceedings in Parliament, but sufficient has been said here to show that the nature of his duties requires that he should possess many qualities rarely found combined in one man. As controller of the House when in debate, and interpreter of the rules of the House, he must be sound in his judgment and quick in forming an opinion; he must be patient, and not hold the rein too tightly. As President of the first deliberative assembly in the world, he must maintain the dignity of his position with courtesy; he must be firm but not overbearing; and as it is in the power of the House to review his decisions, he must be above all things accurate and impartial, because a reversal of his ruling by the House would greatly diminish his influence and imperil the decorum of the House itself.

But the Speaker is not only President of the House of Commons and its mouthpiece; he also occupies a great constitutional position as the representative of the Commons of the United Kingdom before the Crown. Armed with the authority of the House of Commons, he can assert the rights of the Commons before the Sovereign and claim the free exercise of their privileges.

The ceremony of approving the nomination of the Speaker-Elect is signified by the Sovereign in person or by Commission. If by Commission, which is usually the case, the Lords Commissioners take their places in the same way as before described, and send for

the Commons as before. In the Commons the Speaker-Elect occupies the chair, attired in a Court dress, and what is known as a bobwig, when the doorkeeper suddenly announces the approach of the Gentleman Usher of the Black Rod, by calling with a loud voice, "Black Rod." The doors of the House are immediately closed, as they would be in the face of the Sovereign, if he presented himself during the deliberations of the House. Finding the door closed, Black Rod knocks thrice, and upon the Sergeant-at-Arms opening a little wicket in the door, he states that he has a message from the Sovereign, or the Royal Commissioners, as the case may be. He is then admitted, and advances, bowing three times, amid the silence of the members, to the table of the House. Holding up his rod of office, he states that he has come in obedience to the commands of the Sovereign to request "the attendance of this Honourable House in the House of Peers." Upon this the Speaker-Elect rises, and proceeds to the bar of the House of Lords, accompanied by such members as happen to be present and who choose to go. Arrived there, he and the Commons hear the Commission read, endowing the Commissioners with the Royal authority, and then he addresses the Lords Commissioners as follows:—

"In obedience to Her Majesty's commands, Her Majesty's faithful Commons, in the exercise of their undoubted right and privilege, have proceeded to the election of a Speaker, and, as the object of their choice, he now presents himself at your bar, and submits himself with all humility to Her Majesty's gracious approbation."

In reply, the Lord Chancellor assures him that Her Majesty most fully approves and confirms him as Speaker; whereupon he lays "claim, on behalf of the Commons, by humble petition to Her Majesty, to all their ancient and undoubted rights and privileges." These being confirmed, the Speaker retires from the bar of the House of Lords, and returns to the House of Commons.

CHAPTER IX.—PROCEEDINGS IN PARLIAMENT.

Perhaps three or four days may elapse after the assembling of a new Parliament before it has authority from the Crown to proceed to the despatch of business. This interval is occupied by the ceremony of each member taking the oath and inscribing his name upon the roll of members. In the House of Lords, the Lord Chancellor is the first to write his name upon the roll, and in the House of Commons the Speaker. Formerly this oath was of such a character that Jews and others could not conscientiously subscribe to it, but within the last few years it has been made more simple, and amounts only to a promise to maintain the Constitution. This oath is taken by Peers and by every member of the House of Commons before he can vote, except in the case of the election of Speaker. Upon the assembling of a new Parliament, as many as twenty members take the oath at one time, but when Parliament is in Session a new member is conducted to the table between two other members, that he may be the better known to the House, and he bows as they go up. New Peers also are introduced by two others, all three wearing their robes.

THE SPEECH FROM THE THRONE.

Upon the day appointed for the Sovereign to announce the causes for calling the Parliament together, most of the members of both Houses have probably taken the oath and subscribed their names upon the roll, and the Sovereign's appearance in the House of Lords to give authority to Parliament to proceed to business may be taken as the actual commencement of the Session. The Sovereign may deliver the Speech in person or by Commission, and as we have described the ceremony of the King appearing by Commission, and in that manner communicating with Parliament it will be well now to describe this, the more important ceremony, as being conducted by the Sovereign in person. It seldom happens that the King appears more than once in a Session in Parliament in person, but Queen Anne one year gave authority in person to the

Commons to elect a Speaker, appeared in person to approve the choice made, and attended a third time in person to deliver the Speech.

When the Sovereign enters the House, the Peers rise in a body, and remain standing until desired by Her Majesty to sit. The Queen sits upon the Throne, at the upper end of the House, crowned and robed, with the Lord Chancellor on her right, and members of the Royal family appropriately disposed in the neighbourhood of the Throne. The great Officers of the Household, who have to do with ceremonies, and other Ministers of the Crown, also, have their appropriate places. The Peers, wearing their robes and coronets, sit in the order of their rank: the Dukes in the front, then the Marquises, then the Viscounts, then the Earls, and, lastly, the Barons. Peeresses, in full dress, sit on the back benches, and the Bishops sit in their accustomed places, wearing their gowns, as they always do, whenever they enter the House. The galleries are filled with ladies, but the space round about the bar, which is at the end of the House, opposite the Throne, is kept clear for the Commons. As soon as every one is disposed in his proper place, the Queen commands the Gentleman Usher of the Black Rod, through the Lord Great Chamberlain, to let the Commons know, "It is Her Majesty's pleasure they attend her immediately in this House." The Usher of the Black Rod goes upon his errand, and upon being admitted to the House of Commons, he approaches the table as before, and says:—

"Mr. Speaker, the Queen commands this Honourable House to attend Her Majesty in the House of Peers."

On withdrawing, he walks backwards, bowing as he goes, nor does he turn his back upon the House until he reaches the bar, where he awaits the approach of the Speaker. The Speaker, in his passage from the House of Commons to the House of Lords, which, in the present Palace at Westminster, is a straight line from door to door, across the central lobby of the building, is preceded by the Gentleman Usher of the Black Rod, and by the Serjeant-at-Arms of the House of Commons, bearing the Mace. The Prime Minister and principal members of the House generally follow next

in the rear of the Speaker's train-bearer, but this is only by courtesy, for there is a rule by which it is ordered that members proceed after the Speaker in ranks of four, according to the order in which their names are drawn from a glass. This rule, however, is seldom carried out, and the members generally proceed in ranks of four-a-breast, as they happen to fall in.

The Speaker takes his place at the bar, with Black Rod on one side and the Serjeant-at-Arms on the other, and the members crowded round about him; and, when they have taken up their places, the Lord Chancellor, kneeling on one knee, hands the Royal Speech, which has been prepared in the Cabinet, to the Sovereign. On some occasions the Lord Chancellor has read the Speech, notwithstanding Her Majesty has been present; but this is not often the case.

The Royal Speech generally recites the relations subsisting between this and foreign countries, the necessities of the State as regards money, and the measures the Ministers propose to submit for the consideration of Parliament. As soon as it has been read, the Sovereign retires, and the two Houses may proceed to business. Generally speaking, however, the Lords adjourn for a few hours, and the Commons, upon retiring to their House, do the same.

THE ADDRESS.

Both Houses re-assemble at the usual time, the Commons at four, and the Lords at five, each in their respective Chamber, without reference to the other. Their first business is to consider the Royal Speech, and to prepare an Address in reply, but before this is done, it is the practice of both Houses to read some Bill a first time, in order to assert their right to deliberate without reference to the immediate cause of their being summoned, as described in the Queen's Speech. After this has been done in the House of Commons, the Speaker reports that he has attended, in obedience to a summons from the Sovereign, at the bar of the House of Lords, where the Queen made a Speech; and he adds that for greater accuracy he has obtained a copy of the Speech, which he thereupon proceeds to read. The Royal Speech is then

taken into consideration by the House, and an Address in reply, which, in substance, is usually a repetition of the Speech itself, is moved and seconded by two supporters of the Government. Although this reply is addressed to the Crown, and refers only to the Speech, the discussion upon it is the occasion of a general review of the proceedings of the Ministers of State during the interval between the last occasion upon which Parliament was in session, commonly known as the recess. If the acts of the Ministers, during the time Parliament has not been sitting, are approved by the people as represented in the House of Commons, the Address in reply, as far as that House is concerned, is adopted in the form proposed by the Government's supporters. If, on the other hand, those acts are disapproved, an amendment is moved against the Government. This amendment would come from what is called the Opposition, which is composed chiefly of the supporters of those who at some previous time have acted as the Ministers of the Crown, and who uniformly hold opinions radically different from those acted upon by the Government then in office. The amendment would be called a Motion of Want of Confidence, and, if carried, all the Ministers would resign their offices into the hands of the Sovereign for the reasons already described in the chapter on "The Responsibility of Ministers." Precisely the same order of business is followed in the House of Lords, but the result is not necessarily the same in both cases. Indeed it very often happens that resolutions directly contrary are come to, and, in such an event, it becomes the duty of the Government to consider which resolution most accurately represents the feeling of the country, and to act upon that without reference to the other.

LEGISLATION.

As early as possible after the Address in reply to the Royal Speech has been agreed on, members of the Government introduce the several measures they wish to submit for the consideration of Parliament, which have been referred to in the Speech from the Throne. For instance, the Secretary of State for the Colonies, who may happen to be a member of the House of Lords, will,

perhaps, submit a measure in that House for making some alteration in the Government of Jamaica; the Secretary of State for India, also a Peer, probably, may propose some measure for the better government of India; and the Lord Chancellor may submit a Bill for the better administration of the law. In the Commons, the Home Secretary may propose a change in the laws relating to the building of houses, or the employment of children in factories; the President of the Board of Trade may recommend an alteration in the laws relating to shipping; and the President of the Local Government Board may propose a change in the Poor Law.

Every measure must be read a first, a second, and a third time in both Houses, and be considered in accordance with certain fixed rules, and as a description of the course adopted with regard to one Bill will give an idea of the process through which every Bill has to pass, we will take the Home Secretary's Bill as an example. In the first place then, the Home Secretary, being a member of the House of Commons, would be called upon by the Speaker in the order in which his name appears on the "Orders of the day," or programme of the day's proceedings, and he would rise in his place and move for leave to introduce a Bill for the amendment of the law relating to the employment of women and young persons in factories. Perhaps he would explain the object of the Bill, and he might also describe the more important of its provisions; but this is not always done, and, generally speaking, leave is given to introduce the Bill without comment. In cases, however, where the Bill is of very great importance, the whole of its provisions, as well as the object sought to be attained by it, is elaborately explained to the House on its introduction. The motion for leave to introduce the Bill, having been agreed to without a division, for it is seldom the House refuses this, the Home Secretary, at the close of the sitting, appears at the bar of the House, holding his Bill in his hand, and, on being called on by the Speaker, he announces that he has "a Bill," whereupon the Speaker orders it to be brought in, and, on its title being read by the Clerk at the table, the question that it be read a first time is formally put from the Chair, and this motion is generally agreed to without

either comment or division. In the course of a week or two, or as soon as an opportunity can be secured, the Home Secretary will move that the Bill be read a second time. At this stage the House considers the principle of the Bill, without much regard to its details; and in all cases, when the House reads a Bill a second time, it is understood that it accepts the principle only, without being pledged to agree to any of its clauses. Accordingly, upon this motion being made, the members thoroughly discuss the principle involved; every member has a right to express his opinion upon the principle, and to give his reasons for that opinion; he may also suggest alteration in the Bill, although no one can speak more than once, except the mover of the original motion, who has the right to reply to all that has been said in argument against his proposal. If any member objects to the principle of the Bill altogether, he may move that it be read a second time upon that day six months, which is equivalent to moving its rejection, because when that day six months arrives, the House will, probably, have been prorogued. Let us suppose this amendment is moved by a member who thinks further interference with factories is undesirable. The discussion will then be continued on that question, and if many wish to speak upon it, the debate may be adjourned until the next sitting, and the next, and be continued for as many nights in succession as may seem desirable to the House. There is no rule limiting the length of any debate, the number of speakers, or the length of their speeches. All this is left to the members' sense of propriety alone, and although it sometimes happens, upon occasions which excite great interest in the country, that disputes occur as to whether a debate shall be prolonged or not; and although they are sometimes prolonged to unnecessary length, the rule is a very good one, because, while it is in operation, it can never be said that any question has been decided, without the representatives of the nation having had opportunity for discussing it fully, if they chose to do so. When all who desire to speak upon the question have stated their opinions, the Speaker rises and puts the question. He does so in accordance with certain well-established rules, which enable the House to express its opinion upon almost

every conceivable aspect of a question. The Speaker first of all says, "The original motion was, 'That this Bill be now read a second time,' since which it has been moved, that we leave out all the words after the word 'That,' in order to insert these words: 'the Bill be read a second time this day six months.' The question I have to put," continues the Speaker, "is that the words proposed to be left out stand part of the question." In this the Speaker goes no further than to ask the House in what form the question shall be put to it. Having put the question, "That the words proposed to be left out stand part of the question," the Speaker adds: "As many as are of that opinion, say 'Aye.'" Immediately all the members who are of that opinion shout "Aye." The Speaker, still standing, then says, "As many as are of the contrary opinion say 'No,'" and immediately all those of the contrary opinion shout "No." Generally speaking, the volume of sound comprised in the uttering of one hundred noes, is greater than the volume of sound comprised in the utterance of one hundred ayes, because "No" is a syllable more easily pronounced. The Speaker, making due allowance for this, will estimate which sounded the greater number, and having made up his mind, will give his decision in these words: "I think the Ayes have it," or "I think the Noes have it," as the case may be. If the sounds appear to him to be equal, and he cannot make up his mind which prevails, he may put the question again, but this is seldom done. Upon announcing his decision, which, let us suppose, is in favour of the "Ayes," any member who has said "No" to the question, may challenge that decision by calling out, "I think the Noes have it." If the Speaker think it is not intended to divide upon the question, he may say again, "I think the Ayes have it," but any opposing member may repeat, "I think the Noes have it," and upon this the Speaker would say "Strangers must withdraw." Immediately these words are uttered, the Clerk at the table turns a sand-glass, which runs out in two minutes; the Serjeant-at-Arms opens wide the doors of the House; every person, not a member, who may happen to be sitting in seats in the lower part of the House, reserved for strangers, and every person, not a member, who may

happen to be in the lobby, outside the door, is ordered to withdraw; bells are set ringing by means of electricity, in every part of that half of the building in which the House of Commons is situated, so that no matter where a member may be, as long as he is in the building, he is informed that a division has been called, and that if he should desire to take part in it, he must immediately hasten to the House. He will have no difficulty in doing this, for all the approaches to the door of the Chamber are kept clear by the police when the division bell rings, and if, as it sometimes happens, the division is called when very few members are in the House, the chamber will be quickly crowded by members from the dining room, the library, the committee rooms perhaps, or any of the numerous offices connected with the House. As soon as the sands have run out of the glass, the Speaker cries, "Order, order," and the Serjeant-at-Arms closes the door and locks it so that none can enter or leave the chamber until the division is over. The Speaker then puts the question again, and finally. The same form is observed for putting the question at this time as before the sand-glass was turned, except that upon the Speaker's decision being challenged, he cries, "The Ayes to the right and the Noes to the left. Tellers for the Ayes Mr. A. and Mr. B.; tellers for the Noes Mr. X. and Mr. Y." The tellers are usually the two junior Lords of the Treasury on the part of the Government or "Ayes," and the mover and seconder of the amendment on the part of the "Noes." All those who called "Aye" then pass by the Speaker's chair on his right hand, and go into a lobby at the side of the House; the "Noes" walk to the other end of the House, and passing out by the bar turn to the left and go into the opposite lobby. When they have all passed in, and the House is pronounced clear, the doors of the lobbies are locked, so that none can return to the House without passing through the lobby. The "Ayes," therefore, who entered the lobby by the Speaker's chair, re-enter the House by the bar, and the "Noes" who entered their lobby by the bar re-enter the House by the Speaker's chair. In their passage through the lobby they come to a desk by which only one member can pass at a time, and at this desk stands a clerk

with a list of the members' names before him, arranged alphabetically. As each member passes, the clerk makes a mark against his name, and these names are published with the minutes of proceedings next morning. Having passed the clerk at the desk, the member meets the tellers at the door; Mr. A. for his own side, and Mr. X. for the opposite side, both of whom count aloud as each member passes into the House. As soon as the members have passed out of a lobby, the tellers for that side go to the assistant-clerk at the table and tell him the number. He writes it down upon a piece of paper prepared for the purpose and waits for the tellers upon the other side. Upon their giving him their number he writes it down in like manner, and then hands the paper to the chief teller of the side that has won. Let us suppose the "Ayes" have won, and that he gives the paper to Mr. A. By this time it is known that the Home Secretary's Bill has been approved by the House, and that it is the wish of the House that the question be put. Mr. A. then holding the paper in his hand, with Mr. B. upon his left and Mr. X. and Mr. Y. standing next Mr. B., advances to the table, and all four having bowed to the chair, Mr. A. announces with a loud voice that "the Ayes to the right were (let us say) one hundred and forty-seven, and the Noes to the left were one hundred and two." The paper is then handed to the Speaker, and the tellers bow and retire; the Speaker again announces the numbers from the chair, as the teller had done, and adds, "The Ayes have it." He then formally puts the question, "That this Bill be now read a second time," and adds, "As many as are of that opinion say Aye; as many as are of a contrary opinion say No. The Ayes have it," and there being no challenge, he repeats, "The Ayes have it." The Bill is then considered as read. In former times the Bill was actually read in the House, but now every member is provided with a copy before the motion is made that it be read a second time, and he is supposed to have made himself acquainted with its contents. The reading of a Bill a second time signifies that its principle is approved by the House.

If, however, the "Noes" had prevailed, the Speaker would not put the original question, "That this Bill be now read a second

time," because the majority of the House would in that case have said "No" to the proposition that these words should stand part of the question, and "Yes" to the proposal that the amendment be put. The amendment would therefore become a substantive motion, and the Speaker, supplying the words of the amendment in the place where the words had been struck out of the original motion, would put the question, "That this Bill be read a second time upon this day six months." Generally speaking, this motion would be carried without more discussion, upon the presumption that all those who voted "Aye" in the last division would vote "No" in this and *vice versâ*, and the Bill would be lost for the Session. Many Bills disposed of in this way are introduced year after year by members who feel convinced they will ultimately prevail; but they cannot be introduced twice in the same Session, nor can any motion be made similar in effect to a motion which has been negatived during the Session.

The amendment that the Bill be read "upon this day six months" is the amendment which is moved when the Bill is altogether objected to as unnecessary or unwise; but there are several less direct ways in which the rejection of a Bill may be brought about. It may happen, and very often does happen, that a member may object to the Bill, and yet wish something to be done in the matter with which the Bill deals. In this case he might desire to do something for the good of the children who work in the factories. He might think them very young to work hard all day and very helpless, but might wish to help them in a way different from that proposed by the Bill, and, in fact, want another kind of Bill. In such a case he can stop the passage of the Bill by a motion that instead of reading it a second time an address should be presented to the Crown praying that a Royal Commission should be issued to make enquiry upon the subject, to see whether any further legislation was necessary, and if so, of what kind it should be. This amendment would be dealt with in precisely the same way as the other. But perhaps a disposition might exist on the part of some members to avoid expressing an opinion on the Bill, and in that case a member might move what is known as "the

previous question," which is, "That this question be now put." To say "No" to this is tantamount to saying, "I quite agree with you, but it is better we should not press the point at present."

The Bill having been read a second time, the next thing would be to consider it in detail, and that is usually done in Committee of the whole House. The motion made by the Home Secretary, who still has charge of the Bill, is "That the Speaker do now leave the chair." This motion may be met by amendment, a debate may be raised upon it, and protracted to any length the House may see fit, and the question may be decided by a division in the same way as upon the motion for the second reading. The most common amendment moved is, "That the Speaker do leave the chair upon this day six months," which, of course, means that the House do not go into Committee at all; and, if carried, the Bill would be lost, although it had been read a second time.

If the House resolve to go into Committee on the Bill, the Speaker leaves the chair, and the Serjeant-at-Arms places the mace under the table; the Chairman of Committees sits at the table in the chair usually occupied by the clerk, and the Speaker either sits in the House or retires as he may feel disposed. The Bill is then discussed clause by clause and even word by word.

The clauses of a Bill are prefaced by a preamble which recites the necessity for legislation upon the subject with which the Bill deals, and as the wording of this preamble generally depends upon the wording of the clauses, it is invariably postponed until the whole of the clauses have been settled. Consequently, the first question the Chairman of Committees puts is, "That the preamble be postponed." This being agreed to, he calls, "Clause 1," and any member who objects to it may rise in his place and suggest that some words be left out in order that others may be substituted. The question is discussed and divisions are taken in the same way as ordinary motions are disposed of by the House, except that in Committee members may speak any number of times. The speeches, however, are usually short, and except upon very important occasions proceedings in Committee are made up of conversations.

Some Bills are disposed of in Committee of the whole House in five minutes; others occupy several sittings. When a Committee is unable to go through a Bill in the course of a single sitting, it orders the Chairman to report the progress made with it to the Speaker, and to ask leave to sit again. When the Bill has been gone through and settled to the satisfaction of the members, the Chairman reports the fact to the Speaker, and a convenient day is named for the House to consider the measure as amended by the Committee.

Sometimes it is thought more convenient not to consider a Bill in Committee of the whole House, but to refer it to a Select Committee. This is usually done in cases where the subject treated of is technical and understood by only a few members, and might very properly be done in the case of a measure dealing with workpeople in factories. A Select Committee is formed of a few members selected from the whole House who are appointed to assemble in a Committee room during the day time, and have in certain cases power to send for and examine witnesses upon oath concerning the matters dealt with by the Bill referred to them. They appoint a chairman from among themselves, and conduct their business in all respects in a manner similar to the course adopted in a Committee of the whole House.

When the Report of the Committee which amended the Bill is being considered by the House, the Bill may be still further amended, after which it is ordered to be read a third time; but on the motion that it be read a third time it may be again debated at length and opposed just in the same way as upon the motion being made that it be read a second time. After it has been read a third time, the motion is made that the Bill do pass, upon which it may be still further amended, if need be, and then when no further amendments are moved the Bill is passed and transferred to the House of Lords.

A Peer has no need to ask leave to introduce a Bill to the House of Lords: he has the right to do so, and when he lays a Bill upon the table it is invariably read a first time without opposition. This Bill, the course of which we are following, might have been intro-

duced in the House of Lords in the first instance, where, except in respect of its introduction, it would follow precisely the same course as in the House of Commons. And the fact that it has come from the House of Commons makes no difference in the mode of treating it. It must be read a first, a second, and a third time, and the Peers may reject it altogether or amend it both in Committee, and after it has been read a third time. When it has passed through all these stages it is sent back to the House of Commons, if any amendments have been made in it, that those amendments may be considered by the Lower House.

Upon regaining possession of the Bill, the House of Commons can reconsider it only as regards the amendments which have been made in it by the House of Lords ; it may decline to accede to the amendments, or it may still further amend them ; but it cannot review the whole Bill. If it should decline to accede to the amendments or any of them, it states its reasons for so doing, or asks for a conference between the two Houses. In the former case the Lords consider the reasons and agree to them or not as they see fit ; if the latter course is decided on, certain members of both Houses are appointed to confer upon the point, but this latter course has fallen into disuse, because the Peers at a conference remain covered while the Commons are required to uncover, and other formalities are observed upon such occasions which are distasteful to members of the Lower House. In cases where the Lords' amendments are amended only, and are not wholly objected to, the Bill goes back to the House of Lords where these fresh amendments only are considered, and so a Bill may go backward and forward many times before it is ultimately agreed on. If no perfect agreement can be come to, if, for instance, the Lords require something inserted in the Bill which the Commons will not admit, the Bill is lost, and cannot go forward for the Royal Assent.

From this it will be seen that a Bill passes through no less than eight ordinary stages in the House of Commons and seven in the House of Lords, and that its progress may be arrested at each of these by any member who chooses to interest himself in the matter,

so that if it should not leave the hands of the Legislature perfect it is not from want of opportunity, but rather from want of attention on the part of those who have accepted the office of legislators.

DIFFERENCES BETWEEN THE TWO HOUSES; THEIR ORDERS AND CUSTOMS.

The peculiarity of the House of Commons is, that it is wholly subject to the will of the people; the peculiarity of the House of Lords is, that it is almost wholly independent of the people. If both Houses were subject to the will of the people, that is, if both were elected, they would be both influenced by similar motives; and anxiety to conciliate the electors might lead to the passing of measures without sufficient consideration. If, on the other hand, the members of both Houses were wholly independent of the people for their position as legislators, they would have too little regard for the wishes of the people, to whom much would be denied that they are justly entitled to. But, although the Lords may be said to be independent of the will of the people, for their position as legislators, they cannot be said, in these days, to be independent of, or insensible to, public opinion. Their exalted position keeps them constantly in view, and their most trivial public actions are minutely scanned, and openly criticised. Under these circumstances, it may be said, that by the present constitution of Parliament, the just balance is attained, for while, on the one hand, the Commons cannot press measures forward rashly, the Lords are unable to resist a strong representation of the wishes of the people, as expressed by their representatives in Parliament, and by the people, themselves, in public meeting.

There are some slight differences in the mode of procedure in the two Houses. Peers can vote by proxy, for instance, and by this means a Peer, who does not attend in the House, while a question is being debated, may authorise another to vote in his stead. No Peer, however, can represent more than two other Peers in this way, and a Bishop can hold only a Bishop's proxy. Proxies are not allowed to count on divisions taken in Com-

mittee, because no one can foretell upon what point the Committee may divide, and because a vote in Committee should be given upon the basis of the discussion which preceded it. A Peer, in giving a proxy to another, may limit the use of it to a particular question.

Although members of the House of Commons cannot vote by proxy, they can pair. This practice is common to both Houses, and amounts to a private arrangement between members of opposite opinions. If a member in favour of a motion desires to be elsewhere when the House divides upon it, he may pair with another, who is opposed to the motion, and also desires to be relieved from the obligation to attend. In this way, neither side loses a vote, because the one absentee neutralises the other.

Members returned to the House of Commons are bound, strictly speaking, to attend, nor may they presume to absent themselves from the sittings of the House, without leave. Upon a sufficient reason being given, leave of absence will be granted by resolution of the House, and among other reasons held to be sufficient, may be mentioned attendance at assizes, or illness of a near relation. Sometimes members who have absented themselves, although nominated to serve upon a Committee, have been arrested by the Serjeant-at-Arms, upon the warrant of the Speaker, and have been required to apologise before being released. If attendance should be very lax, or a matter of great importance is about to be discussed, respecting which it is thought proper that every member should bear part of the responsibility of deciding upon it, any member may move for a call of the House. A week or ten days must intervene between the order being made to call the House over, and the day upon which the call is made, and upon that day the order is read, and acted on or not, as the House may choose. The counties are first called, in alphabetical order, and then the boroughs; the members have to answer as they are called, and if they fail to attend, they may be summoned by the Speaker. A call of the House, however, is now seldom ordered, because the attendance in Parliament is generally good, and because, although members may be compelled to attend, they cannot be compelled to vote.

Theoretically, a member of the House of Commons cannot resign his trust; having been once returned he is bound to serve. If, however, he accept office under the Crown, he vacates his seat as a matter of course, and when a member desires to retire from serving in the House of Commons, it is customary for him to apply to the Crown for office. His request is always granted, and the office of Stewardship of the Chiltern Hundreds, or the Manor of Northstead is conferred upon him. These offices have neither duties nor salary attached to them, and a person appointed usually resigns the post after a week or two, so that it may be at the service of any other who desires to retire from his position as member of the House of Commons.

When the question is put to the vote by the Lord Chancellor, the Peers do not say "Aye" and "No," as do the Commons, but "Content" and "Not content." Peers do not address the Lord Chancellor as members of the Lower House address the Speaker. Peers commence their remarks with the words, "My lords," and refer to the House as "Your lordships." Members of the House of Commons, however, always address the Chair, as it is termed, commencing with the words "Mr. Speaker." The House of Lords may transact business when only three Peers are present, nor is it necessary that one of these should be the Lord Chancellor; but the House of Commons is governed by certain rules which place it in the power of any single member to ensure that business shall not be transacted unless forty members are present.

These rules are very strictly observed and ensure good attendance. At the commencement of every sitting upon Mondays, Tuesdays, Thursdays, and Fridays, prayers are said by the Speaker's Chaplain, at a quarter to four o'clock, and on Wednesdays at a quarter to twelve. During this ceremony the Speaker sits in the Clerk's chair at the table. If, when prayers are over, there are not forty members present, the Speaker does not take the chair; and no member is permitted to leave the chamber unless a House is made by the attendance of forty members before four o'clock. If at that hour the Speaker counts

the members present, and finds they do not number forty, he declares that there is "No House," and the House stands adjourned until the next day. As soon as he finds there are forty present, he takes the chair, and the House being made by his doing so, business may be proceeded with. Those present are no longer detained, and it sometimes happens that almost the whole of the forty withdraw immediately the House is made. If, during the sitting, there is a very scanty attendance, a member may call the attention of the Speaker to the fact that forty members are not present, upon which business is immediately suspended, the member who was addressing the House resumes his seat, and the sand-glass is turned. Upon the sands having run out, the Speaker rises, and counts those present. If he can count forty, including himself, he resumes his seat, and business is proceeded with; if not, he leaves the chair, and the House stands adjourned until the next day, upon which the House would ordinarily sit. Upon a Wednesday the House cannot be counted out, after it is once made, no matter how few members may be present, until four o'clock, when it may be counted as upon other days. If the attention of the Chairman of Committee is called to the fact that forty members are not present, he cannot proceed with the business, and must send for the Speaker, who would proceed to count in the ordinary way. It has happened upon some occasions that a member, vexed that so little interest was felt in the subject upon which he was addressing the House, has complained of the smallness of the attendance; by so doing, he called the attention of the Speaker to the fact that there was "No House," whereupon the Speaker counted, and finding less than forty members present, left the chair. In this way a member may put an end to his own speech, without intending it. Sometimes, too, the House may divide when less than forty members are present, and this also will put an end to the sitting.

In cases where a member thinks the number of members present, although above forty, is not sufficient to transact business of the importance of that under discussion at the time he may move the adjournment of the House or the adjournment

of the debate, or if in Committee he may move that the Chairman report progress or that the Chairman leave the chair. The effect of this last motion would be to put an end to the Bill. These motions take precedence of all others, and must be disposed of before the business is proceeded with. It is a rule of the House that the same motion cannot be made twice in succession, so that it is customary to vary these motions when the object is to tire out those who are pressing forward business at an inopportune hour; but the motion that the House do *now* adjourn may be repeated any number of times in succession, because by the use of the word "now" it is obviously a different motion from that made even a moment before.

Motions when once made become the property of the House, and cannot be withdrawn except by leave of the House. This rule is made that the House may retain the power of expressing its opinion upon any motion submitted to it, and not allow that to be withdrawn which it wishes to approve or condemn. If upon any division in the House of Commons the numbers should prove to be equal, the Speaker may give a casting vote, but he usually gives his vote with the "Noes" on the principle that it would be better to reconsider the matter than that his single vote should decide the point. The Chairman in Committees of the House of Commons also has a casting vote; but in the House of Lords neither the Lord Chancellor nor the Chairman of Committees are so endowed, and if the numbers are equal, the motion, whatever it may be, is always regarded as lost.

Peers have the privilege of entering their protest upon the journals of the House against any resolution which may be come to by the majority contrary to their opinion; and they may state their reasons for protesting. Members of the House of Commons, however, have no such power.

Peers, who do not wish to vote upon a question, may stand behind the Woolsack when the question is put; they are then not in the House, and may refrain from voting. Members of the House of Commons, however, who do not wish to vote must leave the House before the question is put a second time, and while the

sand-glass is running; otherwise, the doors will be locked, and the orders of the House will require that they pass through one of the division lobbies.

The Lords do not sit upon Wednesdays as a rule, nor does either House sit upon Saturdays, but on very extraordinary occasions they have been known to sit even on a Sunday.

TAXES AND REDRESS OF GRIEVANCES.

Very little reasoning is necessary to show that a country cannot be governed without cost. To maintain all the officers of State, great and small, the Army and the Navy, and the officers of justice, must cost a great deal of money. It costs no less than seventy million pounds each year; and it will require very little reflection to see that almost the whole cost arises from the fact that people will not do that which is right. The Post Office does not cost the Crown anything: the postmen and telegraph boys are paid out of the fees for carrying letters and telegrams, and a large profit is left from their earnings after they are paid; but the Army and Navy, the policemen, judges, and jailors cost a very large sum every year; and the Crown cannot do without them as long as wrong is done. An army and a navy are necessary as long as other countries make war on one another, and may make war on us; a police force is necessary as long as thieves steal and murderers kill; judges are necessary as long as offenders have to be tried, or disputes have to be settled; and jails and jailors are necessary as long as there are criminals to be punished. All these institutions are established and maintained for our protection, and we pay for their maintenance by means of taxes. Taxes, indeed, may be regarded as the sum people pay for the protection afforded them by the State.

As it is the people who pay the taxes, the representatives of the people in the House of Commons reserve to themselves the exclusive right to originate "Money Bills" for taxing the people. The House of Lords sometimes rejects a Money Bill agreed to by the Commons, but never amends such a Bill. If it did so, the Commons would assert their privilege in this matter, and decline to

assent to the amendment. So, also, if the House of Lords passed a Bill of its own, imposing taxes on the people, the House of Commons would assuredly reject it, no matter how good it was.

The first step towards taxing the people is made by the several departments of State presenting their Bills in the shape of "Estimates" for the expenditure during the approaching year. Upon the first convenient day after the assembly of Parliament, the Secretary for War, if he should happen to be a member of the House of Commons, and if not, the Under-Secretary for War proposes that the Speaker leave the chair, in order that the House may go into Committee of Supply to consider the Army Estimates. When in Committee, he makes a statement showing what has been done with respect to the Army during the year that is about to close, what he proposes to do in the year to come, how many men he requires to keep up the standing Army, how much money he will require for their pay, their clothing, their victualling, their arms, and their barracks. At the close of his statement he moves that the number of men he has specified be voted for the use of Her Majesty, and upon that motion any member is at liberty to speak and criticise his plans and all that he has said about the Army, and, if he please, to move an amendment. It is customary, but by no means obligatory, to fix the number of men at the close of the discussion, and after that to agree to a motion for their pay.

Upon another convenient occasion, the First Lord of the Admiralty will bring in his Estimate for the year, and he will proceed in the same way as the Secretary of State for War. He will state how much money he wants for the building of ships, how many men he will want to man the Navy, and how much money he will require to pay them. His statement may thereafter be subjected to criticism and his proposals to amendment.

To make these demands upon the public more clear, complete statements are presented to every member of the House of Commons, showing what the money is wanted for in every particular, in the same way as an invoice is presented by a tradesman for goods delivered. These are called the Army Estimates

in the one case, and the Navy Estimates in the other. Similar statements are presented, showing what money is required, and how it is proposed to appropriate it for carrying on the Government. These are called the Civil Service Estimates as opposed to the warlike, and include the cost of collecting the taxes, the payment of Judges and Magistrates, the maintenance of prisoners, the contribution made by the State towards educating the people, the cost of the Post Office and Telegraphic Service, and any other expenses incurred by the State other than those incurred in connection with the Army and Navy.

These estimates of expenditure having all been laid before Parliament, the next step is to consider in what manner the money for meeting them shall be provided. The Chancellor of the Exchequer is the Officer of State who makes proposals on this head, and his annual statement, summing up the whole of the expenditure of the country, and showing what taxes the Government proposes to levy, in order to provide the money to meet the proposed expenditure, is called "The Budget." His statement is made in Committee of the whole House, because it has to do with finance, and the Committee in this case is called a Committee of Ways and Means.

In the first place the Chancellor of the Exchequer has to describe how the account stands for the past year, and to show whether the taxes have yielded as much as was expected. If they have not done so, and if the expenditure has been greater than the amount the taxes have produced, the Chancellor of the Exchequer will have to propose measures for meeting the deficit, as well as the year's expenditure. If, however, the taxes have produced more than is required, the balance remaining, after everything has been paid, does not go to pay for the succeeding year's expenditure, but is used to reduce the National Debt.

The National Debt is made up of sums borrowed by the State in times past, to enable the country to carry on war, and amounts to nearly £800,000,000 sterling. The money is lent by subjects to the State, in sums of £100, and for each £100 the lender receives a bond, certifying that the State is indebted to him in that amount, and promising that he shall receive £3 each year as

interest for the loan. Any person may become the possessor of one of these bonds who has the means, for they are bought and sold daily on the exchange, under the name of Consols or Consolidated Stock, and they are much valued on account of their being a very secure investment. As it is impossible to pay off so large a debt quickly, the Chancellor of the Exchequer has each year to provide the money for paying the interest, which, at three per cent. per annum on £800,000,000, would amount to £24,000,000.

He would next name the cost to which the country would be put on account of Civil charges, which would include the salary of all Officers of State, and their subordinates, the State contributions towards the police, and the maintenance of prisons, the payment of the Judges and Magistrates, the grant for education, the sum granted to the Sovereign in lieu of hereditary rights, as described in the chapter on "The Crown," and the total cost of the Post Office and Telegraphic system. This would, probably, amount to about £10,000,000,

Next, he would state the cost of collecting the taxes, which would amount to about £5,000,000, and then he would remind the Committee that the Secretary of State for War had asked for some £15,000,000 for the Army, and the First Lord of the Admiralty required £10,000,000 for the Navy. Altogether, this would amount to £64,000,000, which we may look upon as the Bill presented by the Sovereign to the people for carrying on the Government of the country, and protecting life and property.

Having stated the demand, the Chancellor of the Exchequer next states how he proposes to raise the money to meet it. To begin with, he will estimate how much the taxes imposed during the past year would yield if no alterations were made in them. Let us suppose that he finds they would yield £67,000,000, even if the country did not increase in prosperity, and no more trade was done in the current year than was done in the year that had passed. This would give him £3,000,000 too much, and he might safely assume that this would be the case, because for many years past the trade done by the United Kingdom has increased year by year, and the Revenue of the country, which depends upon trade and

the general prosperity of the nation, has also increased. He would estimate that he would receive from Customs' Duties—that is, from the duties levied on goods, or rather luxuries, imported into this country—perhaps £22,000,000; from Excise Duties—that is duties levied on certain manufactures, chiefly for the production of luxuries—say £19,000,000; from stamps, receipt stamps and bill stamps, and stamps upon legal documents of all kinds, perhaps £10,000,000. From taxes—such as Income Tax, assessed according to the amount of a man's income, or the tax for keeping a carriage or a man servant—perhaps £10,000,000. From the Post Office—which includes all the money paid for the delivery of letters and the transmission of telegrams—probably £5,000,000; and from Crown Lands and other miscellaneous sources, £1,000,000. This would make altogether £67,000,000, and the next thing to be considered would be what should be done with the three million which was not wanted. Perhaps he would suggest that the Duty on Sugar should be reduced one penny per pound, that the Duty on Tea should be lessened, and that the Income Tax should be reduced one penny in the pound. By doing this the Revenue would yield, say, £2,500,000 less, and that would be a sufficient reduction, because the Postmaster-General might desire to reduce the postage on letters in certain cases, and because some sources of Revenue might not yield as much as was expected.

At the close of his statement the Chancellor of the Exchequer would move a resolution embodying one part of his proposal, and then it would be competent for any member to criticise his statement and move an amendment to his motion. But, supposing his proposals to be generally approved, they would be agreed to, and afterwards be reported to the House; Bills would be framed to carry them out, and these Bills would be read a first, second, and third time in both Houses before they became law.

Parliament, by passing the money bill proposed by the Chancellor of the Exchequer, would give the Crown authority to collect the taxes, and to the Lords Commissioners of the Treasury to receive them into the Imperial Exchequer or Consolidated Fund; but it would not authorise the Crown by these Bills to appropriate the

money so collected. The authority to spend the money is given by a totally different process, and not until every member has had full opportunity of discussing and taking exception to every sum asked for. This is done in Committee of Supply, and occupies much time.

We have already seen that the Minister of War ask the House to vote supplies to Her Majesty for the purchase of provisions and stores for the Army, for the building of barracks, for the purchase of clothes, and for the manufacture of arms. His full statement is made at one sitting of the Committee of Supply; at subsequent sittings every item is gone through, and may be closely examined into by any member who chooses. Let us suppose he asks for £50,000 for the manufacture of a new rifle. A member asks what sort of rifle this is that he proposes to spend so much money upon. The Minister gives a description of it; whereupon a member who prefers a different sort of rifle objects to his proposal and opposes the grant. Then a discussion ensues, in which every member is at liberty to join and to speak as many times as he chooses upon the merits of the rifles, and, perhaps, others may suggest other descriptions. The discussion may last many hours, and may end in the grant being refused or the consideration of it being postponed. Upon another occasion the First Lord of the Admiralty may ask for supply, and he may ask for a sum of money for building ships. His request may be met by opposition, and a long debate may arise before it is granted, while in other cases large sums may be voted without a word, because no one sees any ground for objecting to them. Perhaps the Postmaster-General may, upon the same evening, ask for some money to pay for the carriage of letters. The Vice-President of the Committee of Council on Education may ask for some portion of the grant for carrying on public elementary schools; and the Secretary to the Treasury may ask for sums to pay the civil servants.

When all the sums of money required by the Government have been discussed and voted or not, as the case may be, the Secretary to the Treasury brings in a Bill, which is called the Appropriation

Bill, and in this Bill it is provided that all the sums which have been voted in Committee of Supply shall be appropriated to the several purposes for which they were voted. This Bill is read a first, second, and third time, in the same way as any other Bill, and having been sent up to the House of Lords, it is then passed through the several stages, and goes forward for the Royal Assent. This Bill, when it becomes law, gives authority to the Crown to spend the money collected in the shape of taxes; and it will not be legal for the Ministers of State to spend the money in any other way. If they do not spend all the money voted upon one account, they may not spend it upon another; if, for instance, they do not require to spend the £50,000 voted for rifles upon rifles, they may not spend the surplus upon barracks or the building of ships. The money not spent is saved, and must be used for the reduction of the National Debt.

But members of the House of Commons have not only the right to object to the expenditure of certain items; they may oppose the granting of supplies altogether, until all grievances are redressed, and all necessary measures are passed for the good government of the people. The rules of the House give the members absolute power in this respect, provided their case is good, and frequent opportunity of exercising it. When a Minister of the Crown moves "that the Speaker do now leave the chair," in order that the House may go into Committee of Supply, any member who chooses may rise in his place and object on the ground that his constituency, or the people generally, are suffering from a wrong, which he thinks the Crown should be made to redress before any money is granted for carrying on the government of the country. This is done very often, and although it seldom happens in these days that supply is absolutely refused, the power of absolute refusal is possessed by the House, and may be exercised. Of course no single member could stop the granting of supply by his voice alone; he must induce a majority of those present at the time to support him on a division, or else he cannot attain his end. Generally speaking, members are content with stating their grievance; and others withdraw their motions on receiving a

promise from a Minister that the matters to which they have called attention will be enquired into. In this way it will be seen the people possess great power over the Crown. No grievance of magnitude could remain unredressed, if supplies were refused as long as it existed; and, although the extreme measure of absolute refusal has not been exercised for many years past, the spirit which might at any time develope into such a position, is always at work in Parliament, and being exercised temperately, uniformly tends to good government.

Demands for enquiry are very frequent in both Houses of Parliament. Sometimes members ask for a Royal Commission; sometimes for a Select Committee. These two forms of enquiry differ in character, but they differ rather in form than in result. The members of a Royal Commission are nominated by the Crown, and are generally composed of those most qualified to form an opinion on the subject to be enquired into, whether they be members of Parliament or not; a Select Committee is composed of members of that House of Parliament in which the motion for its appointment is made. The appointment of a Select Committee is quite within the powers of either House of Parliament: the Lords may depute some of their number to consider and report upon any question; the Commons may do the same; and each House may give the Committee so appointed extraordinary powers, to send for witnesses and documents, and compel attendance. The appointment of a Royal Commission is not within the power of either House. The House of Commons may resolve to send an address to the Crown, praying Her Majesty to appoint a Royal Commission to enquire into a given subject. The address will in due time be considered by the Cabinet, and, if approved, the Controller of the Household, commanded by Her Majesty, will appear at the Bar of the House, with a message from the Crown, promising to appoint the Commission. In cases where the address for the appointment of a Commission is agreed on by the Lords, the same course would be adopted, except that the reply would be presented by a member of the Government, being a Peer, probably, the Lord Chamberlain. It seldom happens that a request for the appoint-

ment of a Royal Commission is not assented to by the Government, but cases occur in which the Lords may desire an enquiry, and in which the Commons may not. In such cases the Government generally advises the Sovereign not to comply with the prayer of the address from the House of Lords, and a reply to that effect is presented in the same way as if it were a favourable reply.

When a Select Committee of the House of Commons has completed its enquiry, it draws up a report which is presented by its Chairman to the Speaker, and when printed, is supplied to every member. It may then be commented upon, and perhaps form the basis for legislation. The report of a Select Committee of the House of Lords is laid upon the table of the House, as a matter of course, and is thereafter treated in the same way as a report presented to the House of Commons. The report of a Royal Commission, together with the evidence upon which it may be founded, is usually presented by command of Her Majesty to both Houses of Parliament, and thereupon becomes fit subject for comment, and perhaps the basis for legislation in the same way as if the evidence had been taken and the report made by a Select Committee of one or other of the Houses of Parliament.

PRIVATE BILLS.

Private Bills are measures presented to Parliament, sometimes by municipal bodies, but chiefly by private persons or companies, who seek powers which the existing law does not give them. If a company desire to construct a railway from London to Edinburgh, they would have no power, under the ordinary law of the land, to compel the owners of the land over which they desired the line to pass, to sell to them as much of the land as they required, and to bargain with each owner in turn would be a hopeless task. They accordingly go to Parliament, and ask for powers to compel these owners to sell the necessary land to them, at a price to be fixed according to certain rules as to compensation, embodied in several Acts of Parliament, known as the "Clauses Consolidation Acts." The powers thus sought and acquired as to land are called "Compulsory Powers."

The Bill conferring these powers, to which it is proposed to ask Parliament to assent, is lodged in both Houses, before the expiration of a certain day, yearly named in the Standing Orders of both Houses of Parliament, and usually some six weeks before the House actually meets. Immediately after the Session begins a petition is presented, praying for leave to introduce the Bill; and at a meeting of the principal officers of both Houses of Parliament, it is determined, having regard to the amount and nature of the business, generally, into which House the particular Bill shall be introduced. The Standing Orders relating to private Bills also require that the successive stages of Bills shall be taken at specified intervals, and on payment of stipulated fees, and that notice shall be given, either personally or by public advertisement, to all persons interested in the measure promoted. These precautions are taken, first, for the information of Parliament itself, and, secondly, that individuals affected may, if they choose, petition Parliament for leave to be heard against the Bill.

It is customary to read all private Bills a first time, as a matter of course, if their promoters have complied with the Standing Orders; and, usually, Bills are read a second time, without discussion, and referred to a Committee selected by the House before which the Bill happens at the time to be. This Committee, which generally consists of five members, but sometimes only of four members, or of four members and a referee, sits as a Court, hears evidence for and against the measure, and, having listened to all that can be urged by the promoters, or their counsel in favour of the Bill, and all that can be said against it by its opponents, or their counsel, makes a report to the House. If favourable, the Bill is ordered to be set down for a third reading, and if read a third time and passed, it goes at once to the other House, and is there dealt with precisely in the same way. The second House is regarded, not as a court of appeal, but as an entirely new tribunal, so that a Bill will, probably, be well considered before the powers it would confer are granted.

Such Acts as these authorizing the exercise of compulsory powers, are required not only in the case of railways, but in all

cases where the rights of private persons, or the rights of the public would be interfered with by the work it is proposed to carry out. Very often proposed undertakings must obviously occasion great inconvenience to a private person, sometimes even to the extent of destroying his house, and taking away his business; and this person, perhaps, honestly thinks that no payment in money will compensate for the injury done him. Still, if great advantage will accrue to the public from carrying out the proposed work, Parliament holds the convenience of the individual must give way to the good of the many.

But though the property is taken, Parliament will not allow the rights of the landowner to be sacrificed, for compensation is always secured to him, and if he can show good grounds for them, special clauses are often inserted in Acts for his benefit. Generally speaking, we may say that it is the interest of the public, coupled with a due regard for private rights, which guides the Legislature in granting compulsory powers to promoters of private Bills; and in order that the balance may be held fairly, and that no suspicion may attach to the action or interference of Parliament, all members of either House, whose personal and pecuniary interests, or even the interests of whose constituents are in any way concerned, in any such measure, are bound in honour to abstain from influencing the decision arrived at.

PROVISIONAL ORDERS.

Provisional Orders are orders made by a department of the State subject to the assent of Parliament. They are in the nature of Private Bills, and give powers to private persons or public bodies to carry out works of public utility. Provisional Orders, for instance, are made by the Board of Trade to empower Harbour Trustees to improve their harbours. These Orders, however, are not framed at the caprice of an official, nor do they always correspond with the wishes of those who seek to obtain them; they are drawn up in strict compliance with an Act of Parliament, after due notice has been given to all persons concerned in them that they will be applied for, and when drawn they are presented to

Parliament in the form of a Bill for confirmation. Should this confirmation be withheld they do not become law, and the powers sought for are not conferred.

Private persons, affected by a Provisional Order, have the power of petitioning Parliament against its being confirmed, and on their doing so, the Bill proposing to confirm it is treated in all respects as a Private Bill, and must be considered by a Select Committee, so that the interests of private persons are as well protected by the Provisional Order as by the Private Bill system.

This method of granting Parliamentary powers to private persons is of recent growth, and was designed upon the ground that a department of State, such as the Board of Trade, was best able, in all cases affecting trade and commerce, to gather the information necessary to enable Parliament to judge of the propriety of granting the powers asked for. The Provisional Order system was also designed with a view to prevent expense in cases where there was a prospect of little or no opposition. But sometimes when unexpected opposition arises the expense is increased, because not only are the ordinary charges of promoting a Provisional Order incurred, but they are added to by defending the Provisional Order as if it were a Private Bill.

Similar Orders, although not styled Provisional Orders, but generally known as minutes or schemes, are laid on the table of both Houses of Parliament by the Educational Department of the Privy Council Office, by the Endowed Schools Commissioners, and other public bodies, in accordance with the provisions of the Acts of Parliament regulating their conduct, and these Orders have the force of law provided they are not successfully challenged by either House within a certain time specified by the Act under which they are presented.

THE ROYAL ASSENT.

As soon as a Bill has been agreed on by both Houses of Parliament, it is laid before the Sovereign by the Lord Chancellor, and the Sovereign assents or not, as the Cabinet may advise. It is long since the Sovereign has put a veto on a Bill, and probably it

will be long before the right of veto is again exercised, for this reason, that the Cabinet would not venture to advise the Sovereign to withhold assent from a Bill which it was unable successfully to oppose in its passage through Parliament. If the Cabinet did so venture, it would become liable to a Motion of Want of Confidence in one or perhaps both Houses of Parliament, the consequence of which is fully described in the chapter on "The Responsibility of Ministers."

The Royal Assent is given either in person or by Commission. If in person, the Sovereign goes to the House in State as upon the opening of Parliament, and is attended by the great officers of the Household.

When within the precincts of the House, the Sovereign is waited on by the Clerk of the Parliaments, who reads over a list of the Bills which have been agreed on by both Houses, and receives the Royal commands respecting them. The Sovereign then enters the House of Lords, and, seated on the Throne, orders that the Commons may be sent for in the same way as upon the opening of Parliament.

The Commons having responded to the summons, and such of the Peers being present as may choose to attend, the Deputy Clerk of Parliaments reads the title of the first Bill on the list; the Clerk of Parliaments thereupon bows to the Sovereign, and turning his head so as to address the Commons at the bar without turning his back upon his Sovereign, he says in old Norman French, "*Le Roy le veult*," "The King wills it;" or, in the case of a Queen, "*La Reyne le veult*," "The Queen wills it." He then again bows to the Sovereign, and the same form is gone through in respect of every Public Bill upon the list. In the case of a Private Bill, instead of "*Le Roy le veult*," he says, "*Soit fait comme il est desiré*," or "Be it done as it is desired." Should the Bill be in the form of an assent to a petition of right, the Clerk would say, "*Soit droit fait comme il est desiré*," "Be this right done as it is desired;" and in the case of a Bill granting money or supplies to the Sovereign, the Royal Assent would be given in the following words, "*Le Roy*, or *La Reyne remercie ses bon sujets*,

accepte leur benevolence, et ainsi le veult," that is to say, "The King or Queen thanks his good subjects, accepts their bounty, and so wills it." Should the Royal Assent be withheld, the Clerk would say, "*Le Roy s'avisera*," or "The King will consider." As soon as the Clerk has signified the Royal pleasure concerning all the Bills presented, the Commons withdraw, and the Speaker, upon taking the chair in his own House, reports what has been done.

The Sovereign, however, seldom appears in person to give assent to Bills, and is usually represented by a Royal Commission. Under such circumstances, the Commission is signed by the Sovereign's own hand, and attested by the Clerk of the Crown in Chancery. It does not differ except in respect of the purpose for which it is issued from other Royal Commissions, and when it has been read by the Reading Clerk in the presence of the Commons assembled at the bar, the Lord Chancellor, as principal Commissioner, will say :—

"My Lords and Gentlemen, by the command and by virtue of the powers and authority to us given by the said Commission, we do declare and notify His or Her Majesty's Royal Assent to the Acts in the said Commission mentioned, and the Clerks are required to pass the same in the usual form and words."

Thereupon, the titles of the Bills being read, the Clerk of Parliaments signifies the Royal Assent in the usual form of words, "*Le Roy* or *La Reyne le veult*."

PARTY GOVERNMENT.

The members of the Houses of Parliament, with few exceptions, attach themselves to some party which has a distinct programme, and a well-defined political creed. The chiefs of one of these parties usually form the Government; the chiefs of the most numerous opposing bodies are known as the leaders of the Opposition. Each acts upon the principle that "Union is strength," and those members who attach themselves to a party usually set aside their private judgment, because they think it better that their party, as a whole, should prevail, than that they should

give expression to their individual opinions; or, to put it in other words, because they think their party will govern more wisely and propose better laws, on the whole, than the opposing party.

There are many members, however, who do not hold themselves amenable to any party or any leaders; and do not approve party government. They think it better that a man should exercise his private judgment on all questions, without reference to those who submit them to the decision of Parliament, and should vote with the Government or the Opposition, just as he may think best for the time. These are known as "Independent Members;" they form but a small minority of either House, and, being disunited, they have no power, as a body, and go to swell the numbers of the Government, or the Opposition, for the time being, as the case may be.

Each party has a complete organisation, and the leaders of each make known their designs and wishes to their followers, through the medium of a member selected for the purpose, who is commonly known as "The Whip." The Government Whip in the House of Commons is usually the Secretary to the Lords Commissioners of the Treasury, and he is also known as the "Patronage Secretary." The Opposition Whip is usually that member who occupied the position of Secretary to the Treasury, when the leaders of his party were in office. In the House of Lords the Government Whip usually holds some office in the Sovereign's Household, and the Opposition Whip is usually a Peer, who has formerly held such an office under the leaders of his party.

It is the duty of the Government Whip, whenever Ministers desire to proceed with business, to get together a sufficient number of members to make a House by four o'clock, and it is his business to keep together forty members in the neighbourhood of the House as long as the Government needs the House to sit. He has also upon all occasions, when the Government submits questions upon which a difference of opinion exists, to cause such a number of members of his party to attend, as will give the Government a majority of votes. The Opposition Whip will, in like manner, bring together as many of his party as he can induce to attend,

and each of them will do their utmost to win independent members to his side.

Those who object to party Government condemn the proceedings of the Whips, as being artificial, and think the country would be better governed, if members of Parliament voted spontaneously upon the basis of arguments submitted in debate, rather than upon the basis of considerations urged privately by "The Whips."

THE PRESENCE OF STRANGERS.

Strangers, among whom are included Peers in the one House, and members of the House of Commons in the other, as well as the reporters for the newspapers, are allowed to be present in either House, but may be excluded at any time upon a member calling attention to the fact that he spies strangers in the galleries. Upon his doing so in the House of Commons, the Speaker, as a matter of course, orders the Serjeant-at-Arms to clear the galleries, and the House thereupon debates in secret.

At one time it was held to be unlawful to print reports of the debates, and some have been imprisoned for doing so, but now members are anxious that their speeches should be reported that their constituents may be informed of their proceedings. Very often debates are carried on when only a dozen members are present, and when it is obvious that the speeches are made solely that they may be published in the newspapers, so that although the power of excluding strangers is retained it is very seldom used, and twenty years have been known to pass by without the right to exclude strangers having been once exercised.

To procure admission to the strangers' gallery, it is necessary to be furnished with an order from one of the members, each of whom has the right to give one for each sitting. Admission to the Speaker's gallery is secured by presenting an order signed by the Speaker himself; and ladies are introduced to a gallery set apart for them by members who have precedence one of the other, according as they write their names in a book kept for the purpose. Strangers sitting in the House are obliged to retain their seats

they may not stand up, nor may they read nor write. This rule, of course, does not apply to reporters for the newspapers who have a gallery set apart for them, to which no one is admitted unless provided with a card bearing the name of the holder and the journal he represents signed by the Serjeant-at-Arms.

Similar rules prevail in the House of Lords with regard to the admission of strangers, except that all such matters are in the Upper House under the control of Black Rod.

PETITIONS.

Although the people have a voice in the Legislature only by the act of the Commons choosing representatives to serve in Parliament, there are many ways in which public opinion expresses itself in a less formal manner, and influences legislation. In the first place, every person has the right to petition either House of Parliament, and provided the petition is properly worded, no Peer or member of the House of Commons should decline to present it. It is not necessary that the persons presenting the petition should agree with its prayer, nor be in any way concerned in its object, but it usually happens that petitioners make their appeal through their representative in Parliament, or through some other who they know will sympathise with them.

Closely allied to this right to petition is the right of public meeting and of free speech, by which public opinion makes itself felt in Parliament; indeed, petitions generally emanate from public meetings. It is the duty of everyone before signing a petition to make himself thoroughly acquainted with the subject to which the petition relates, and to be convinced that the prayer of the petition, if granted, would result in a benefit to the community. Unless a person can assure himself upon these points, it is better he should not sign, for by doing so he would be deceiving the Legislature.

Petitions on being presented are referred to a Committee which examines them, and from time to time presents a report to the House describing the prayer of each petition, whence it comes, and the number of persons who have signed it. If the Committee

should have reason to suspect the genuineness of a petition; if, for instance, it suspect some of the signatures to be fictitious, it would cause inquiry to be made on the subject, and if the suspicions of the Committee proved to be well founded, the House might not only reject the petition but punish the offenders for contempt.

Members of the House of Commons on presenting a petition, cannot do more than state its prayer; they cannot comment upon the subject to which it refers. Members of the House of Lords, however, are restrained by no such rule, and may make a speech upon presenting a petition; other Peers may answer them, and a long debate may ensue.

The people have also the right to petition the Throne. Petitions to the Sovereign, however, are usually presented through the Ministers of the Crown, except in the case of some great corporate bodies, who possess by charter the right of presenting petitions to the Sovereign in person. The Corporations of the cities of London, Edinburgh, and Dublin have the right to present petitions in person at the bar of either House of Parliament. On doing so, those representing the Corporation appear in their robes of office before the commencement of public business, and state the prayer of their petition in the same way as a member would.

PROROGATION AND DISSOLUTION.

The prorogation of Parliament from Session to Session, and its dissolution, when occasion arises, rest entirely with the Crown. A Parliament ceases to exist at the end of seven years, as a matter of course, unless previously dissolved; and the Crown must summon a new Parliament within three years of the dissolution of the last.

Upon the demise of the Crown, Parliament is required to assemble immediately, without being summoned, no matter if it shall have adjourned for a long period, or has been prorogued; and having so assembled, its powers would last for six months, subject to dissolution or prorogation by the new Sovereign before the expiration of the six months; at the end of that time, how-

ever, it would cease to exist, and a new Parliament should be summoned.

Parliament may be prorogued and dissolved on the same day. It is dissolved by Royal Proclamation, which usually gives orders to the Lord Chancellor of Great Britain and the Lord Chancellor of Ireland to issue writs for calling a new Parliament.

CHAPTER X.—THE BALANCE OF POWER.

Having now described the various parts of the organization by which the laws of England are made, it will be well to review the whole, and see how admirably each part checks and controls all the rest in its turn. And the more we examine into the working of our Constitution, the more clearly shall we perceive that the power of controlling the destinies of the nation is actually in the hands of the people themselves, if they will but act in accordance with the Constitution, and not resort to illegal means to attain their ends.

The Sovereign, though endowed by birthright with supreme authority, and occupying the position of Chief of the State, cannot act in contravention of the law; and, although able to exercise immense influence on the destinies of the nation, by a personal control of the affairs of State, is restrained from so doing by constitutional usage, as distinguished from constitutional right. Numerous subtle influences are at work, restraining the Sovereign from exercising the immense power his position as head of the State confers. Unquestionably the Sovereign is not insensible to the feeling of the people, and that feeling is exhibited and brought to bear upon him with extraordinary force, with unmistakeable clearness, and with remarkable promptitude. Monarchs, less wise and discreet than those of our day, have often been deterred from imprudent actions by the rough complaints of the populace assembled in the Market-place, the Exchange, or at the Palace-gates. Monarchs, in like manner, have often been encouraged to continue in a policy approved by the nation, by the applause of the multitude upon their appearance in public places, or when passing along the streets. The feeling of the people, however, can now be gauged in this country by more certain means than the cries of the multitude.

The Press, which may be regarded as part of our Constitution, scarcely less so than the Cabinet, since neither are established by law, though the position of each is clearly defined by usage, and

both are amenable to the law, represents and interprets the feeling of the people with unfailing accuracy. The Press cannot misrepresent the people, because it lives by the people, and whatever the people will not support in the Press, cannot live. It is true that unprincipled men sometimes foster discontent among the ignorant, and others, believing what they publish, endeavour to inculcate false principles; but, happily, the intelligence of the vast majority of the people prevents harm resulting from such publications, and those in authority wisely regard them with indifference, except as an indication of the extent to which the opinions represented by them prevail. It may be taken as an axiom that a journal represents the feeling of the nation in proportion as it is pecuniarily successful; and, accepting this axiom, we may conclude that, inasmuch as no journal can live which has not a constituency to support it, so every journal, however obscure, however untruthful, however bad, may be taken as representing the feeling of some portion of the nation. Obviously, a successful newspaper becomes a very powerful engine for the formation of public opinion, because it happens with the Press, as with every part of the recognized Constitution, that the influence it exerts acts and re-acts upon its constituency and upon itself. A newspaper is supported by those whose opinions it expresses. It puts into definite shape what is in its reader's mind in a nebulous form, or else it absolutely forms an opinion in its readers' minds on the basis of principles which its readers accept. The Press is thus a leader and former of public opinion only when it pronounces a judgment in accordance with principles generally accepted by its readers, and it cannot lead public opinion long, unless it fulfils these conditions. Therefore we can say, with perfect confidence, that the opinion of the people may be gauged with unfailing accuracy through the Press, and we may assume that it is so gauged by the Sovereign and his Ministers, who shape their conduct accordingly.

The Sovereign is therefore influenced, and even controlled, firstly, by the necessity he is under of securing the services of Ministers to submit his designs to Parliament, of procuring the

concurrence of the nobility, as represented by the House of Lords, and of the commonalty, as represented by the House of Commons; and also of obtaining the loyal approval of the people generally, as distinguished from their Parliamentary representatives. Setting aside for a moment the constitutional practice, let us imagine a Sovereign determined to prosecute his own wishes in opposition to the wishes of the people. Being the fountain of honour, it might not be impossible for him, by conferring social distinctions and marks of royal favour to secure a Cabinet subservient to himself. It would be difficult, because Ministers of State are far more sensitive to public opinion than the Sovereign, inasmuch as their position is more dependent upon public than royal favour, as we have already seen in the chapter on "The Responsibility of Ministers." But, assuming such a Cabinet secured by the Sovereign, the further prosecution of his designs would be impossible, for even if his measures were favourable to the Lords, and calculated to sustain their power, the Commons would have to be conciliated, and although many of them would be men of high social position, who might not be disinclined to favour the pretensions of the Sovereign, and increase the power of the nobility, the large majority would have no such inclinations, and would unquestionably be faithful to the trust reposed in them by their constituencies. The people, by petition, and by demonstrations in public meeting, by the exercise of the right of free speech, and by the expression of their opinions in the Press, would stimulate the House of Commons, and support them with irresistible force; so that if such a contention as that we have supposed were to arise, it could not be maintained. If the people willed it, the Sovereign would be obliged to give way. An appeal to the country would not serve the Sovereign; it would simply result in the elimination from the House of Commons of all those members who in any way favoured the obnoxious measure, and the contest would assuredly result in its withdrawal.

If we approach the question from the other side, the power of the people is equally apparent. The Sovereign has the right to veto any Bill agreed on by both Houses; he might, for instance, be

disposed to veto some Bill which had emanated from a section of the community unfavourable to the Monarchy, and he might secure a Cabinet whose wishes would correspond with his own in this respect; but, although the Cabinet might desire to advise the Sovereign to veto such a Bill, it would not venture to do so, when the House of Peers, as well as the representatives of the people, required it should pass. The Cabinet, too, would be little disposed to advise the Sovereign to veto a measure, whose rejection it had been unable to secure by either branch of the Legislature. Constitutional right, in such a case, must give place to duty, just in the same way as it is not always politic to insist upon rights in private life, when courtesy requires one to give way.

The same distinction must be made, because the same feeling operates in all branches of the Legislature. In theory, as we have shown, the legislative authority of the House of Lords is co-ordinate with that of the House of Commons. It can absolutely reject, not only once, but as many times as it chooses, and not only without sufficient reason, but without any pretence whatever, any Bill which may have been passed by the House of Commons, however vitally affecting the liberty of the subject, or however urgently demanded by the whole community. But then it would not venture to do so. If it did, it would be equally competent for the Crown to create a sufficient number of new Peers as would outnumber those who objected to the measure which the country desired should become law, and which the existing House of Peers refused to endorse. In fact, the House of Lords cannot safely reject an important Bill, or neutralise it by amendments, unless it has good reason to believe that it has a majority of the English people at its back, who are opposed to the existing majority in the House of Commons.

It might, however, happen that upon a question affecting some powerful and compact section of the community—some influential trade, for instance—private selfishness might prevail for a while in the House of Commons over anxiety for the good of the nation at large. At such a juncture, the independent action of the House of Lords would be of great public service. Uninfluenced by

trade, with their positions as members of the Legislature secure, uncontrolled in any instance by a constituency in which the trade or interest concerned might predominate, generally led by men of learning and large experience trained to statesmanship, and possessing the courage necessary to place themselves in opposition to an influential section of the community, the House of Lords would in such a case do the State incalculable service by refusing to pass measures even though heartily adopted by the House of Commons. If the Ministers of the Crown, influenced by the same considerations as the House of Commons, went the length of appealing to the country upon the question, as against the House of Lords, the interest or trade which had nearly been victorious would be swamped by the nation at large, and the House of Lords would be justified in its action.

In the same way it would be perfectly competent for a House of Commons to stop the Supplies for carrying on a war, even though the majority of the people desired it should be carried on; but if it did so, the wishes of the people would quickly become known, and the House of Commons would be unable to withstand the expressed desire of the Crown, the House of Lords, and the people combined.

We are, therefore, brought to the conclusion that the people form the final Court of Appeal in all questions of government in the United Kingdom. That Estate of the Realm which most accurately interprets and acts in accordance with the will of the people, whether it be the Crown, the Lords, or the Commons, will assuredly control the destinies of the nation, for, with the people on its side, its position is unassailable.

CHAPTER XI.

THE ADMINISTRATION OF JUSTICE.

In the course of the preceding chapters describing the machinery by which the laws are made, we have noticed that much of the law is administered by Ministers of State as representing the Sovereign, and we also have noticed that the administration of the law by officials representing the Privy Council or any department of the State is confined to making regulations for the conduct of public business, and issuing instructions for the guidance of those charged with the administration of the law throughout the country. Justice is administered by Magistrates and Judges on the Bench. No Minister of State, however high his position, has the power to inflict punishment, or impose penalties, for a wrong done by the meanest subject of the Crown, even though the offence be committed against the State itself, and not against a fellow subject. There is only one instance approaching an exception to this distinct rule; and that instance may be taken also as an illustration of the precision with which the rule is observed. In cases where an Act of Parliament imposes a penalty for evading the payment of a tax, the Commissioners of Inland Revenue have the power, not of inflicting a penalty, but of offering to those who they believe have offended against the law the option of paying a mitigated penalty. They have no power to enforce payment, and if an alleged offender decline to comply with the offer, the Crown has no other means of recovering the penalty than that of proceeding against the offender in one of the ordinary Courts of Law. So that although it is the Sovereign who is wronged and the State which suffers by the act of the offender in this case, yet the Crown must sue him in one of the Courts constituted by Parliament, and before one of the Judges appointed to administer justice. Nothing can exhibit more clearly one of the most striking characteristics of our Constitution—the equality of all before the law—than such a case as this. Still, stated thus baldly, room might be given for

doubt whether the subject would receive justice at the hands of a Judge appointed by the same authority as that which comes as a suitor before it. We shall see presently whether there are any grounds for this doubt, and to decide the matter fairly, we must first consider who are appointed Judges, and under what circumstances they are appointed.

Judges and Magistrates of all descriptions are nominated by one or other of the Ministers of the Crown, with few exceptions, and in the case of these exceptions the appointments must be confirmed by a Minister of State before those appointed can act. Judges of the Superior Courts are appointed from among Barristers of long standing who have achieved a high reputation as counsel in pleading the causes of suitors in the Courts. Sometimes, though not always, appointments to the Bench are made as rewards for political services rendered to the Cabinet in the House of Commons; but in no case can such rewards be given with impunity unless the legal standing of the persons nominated justifies the appointment. They retain their office for life, or until promoted, and their full salary is secured to them as long as they continue at their posts. The Sovereign cannot dismiss them, nor do they retire on the demise of the Crown. No Judge can be removed from the Bench except upon conviction for some offence, or upon an address to the Crown agreed on by both Houses of Parliament, praying for his removal. To secure this, it would be necessary to prove him guilty of some dereliction of duty. If, for instance, it could be proved that he had received a bribe to give judgment in a particular way, or gave judgment from favoritism rather than in accordance with the law, nothing more would be needed to displace him. Happily, no such case has been even suggested for many years past; and the purity of the English Bench in the present day stands higher than the Bench of any other country of any period. It is not difficult to discover the cause of this. The fact that a Judge cannot be removed from office except in consequence of his own misconduct, renders him perfectly independent of all influences which can possibly be brought to bear upon him by those higher in

authority than himself. He is independent even of the Sovereign, in whose name he administers justice, and of the Heir to the Throne in whose name he would act should he survive the Sovereign who appointed him. It is true he may have hopes of preferment, but then his decisions are duly recorded in the Law Reports published by authority, are liable to be criticised, and may be reviewed by a Superior Court. As a Judge is more anxious to achieve the reputation of being a sound lawyer than to gain preferment by pleasing individuals, it has come to pass that no consideration has been found sufficient in these latter days to induce an English Judge to abuse his office.

Therefore, a subject need not fear to take his case even as against the Crown into a Court and leave the matter in the hands of the Judge. In some cases, to be hereafter specified, he must do so, but in all cases of personal liberty, and in most cases of disputes about money matters, the subject has yet another security: the facts relating to the question at issue must be tried by jury.

Trial by jury is regarded as one of the chief securities of our liberties, and the right to such trial has always been jealously maintained. It is disputed whether we inherit the custom from the Anglo-Saxons or the Normans; probably it prevailed among both nations before the Conquest in one shape or another. Some authorities trace the origin of the custom to the Greeks and Romans; but the method of trial by jury, as we at present understand it, was not fully adopted until as late as the fifteenth century.

Originally, the jury consisted of twelve men, summoned from the neighbourhood where the disputed fact was supposed to have occurred, because, in the words of the original form of summons, they were the persons "by whom the truth of the matter might be better known." They were sworn "to speak the truth," and from such records of trials at that time as we now possess, they seem to have been regarded merely as witnesses called to inform the Judge as to the facts, or perhaps to pass an opinion on the credibility of the actual witnesses in the case. If a juror declared in open court before the trial that he knew nothing of the matter respecting which he had been sum-

moned to speak, he was dismissed and another was summoned in his stead; moreover, they were punished for perjury if they gave a wilfully false verdict, or hesitated in stating their opinion upon a matter of notoriety. Now, however, the jury of twelve are taken, not from the neighbourhood where the matter in question is supposed to have arisen, but from any part of the county; they are not required to know anything of the matter, but are required to dismiss from their minds all they may have heard in the shape of common gossip respecting it; they are required in fact to hear the statements made by the witnesses on the one side and the other, to form an opinion as to the truth of those statements, and to give a true verdict according to the evidence placed before them. Lord Chief Justice Hale, describing the duty and powers of a jury, has said "they are to consider the evidence, to weigh the credibility of the witnesses and the force and efficacies of their testimonies wherein they are not precisely bound by the rules of the civil law—*viz.*, to have two witnesses to prove every fact, unless it be in cases of treason, nor to reject one witness because he is single, or always to believe two witnesses, if the probability of the fact does, upon other circumstances, reasonably encounter them; for the trial is not here simply by witnesses, but *by jury;* nay, it may so fall out that a jury, upon their own knowledge, may know a thing to be false that a witness swore to be true; or may know a witness to be incompetent or incredible, though nothing be objected against him —and may give their verdict accordingly." In all cases where a jury is employed, then, they alone determine which party has the truth upon his side; the Judge only expounds the law to the jury, registers their verdict, and passes judgment upon the basis of it. When we consider that this is the common practice in all cases where a man's liberty is at stake, or where two men are in dispute, we must come to the conclusion that trial by jury is no small security that the decision will be fair, although mistakes may possibly result.

Nor is it a small matter for a man upon his trial, or for such as are appealing to the law against injustice, that those whom they

desire to appear as witnesses in their favour can be compelled to attend. This is done by a Writ of Subpœna, which was first issued out of Chancery by John de Waltham, appointed Keeper of the Rolls in the year 1381. Much dissatisfaction was felt by some who were thus compelled under penalties to act as witnesses when first the writ was issued, and petitions were presented to Parliament against a continuance of the practice; but it was found to be of such service that it has ever since been maintained as a matter of right and justice to those whose case is submitted to the judgment of the Courts.

Reviewing the process by which the Judges are appointed, and remembering that they pass judgment in accordance with the verdict of a jury, we find that not only does constitutional usage place the judicial authority beyond the personal control of the Sovereign, but takes it out of the hands even of the actual Judge himself who does not administer the law until the jury have decided upon the fact. Further, we find that the jury, for whose declaration the Sovereign and the Judge wait before giving the law effect, do not form a permanent body who could study how the power they possess might be used to promote their private advantage, but are called together haphazard, never, perhaps, having served before, and without much probability of being called upon to serve but once or twice again. M. de Lolme, who wrote in praise of the British Constitution during the last century, elaborates this reflection, and adds:—

"In fine, such is the happy nature of this institution, that the judicial power, a power so formidable in itself, which is to dispose, without finding any resistance, of the property, honour, and life of individuals, and which, whatever precautions may be taken to restrain it, must in a great degree remain arbitrary, may be said in England to exist—to accomplish every intended purpose—and to be in the hands of nobody. The consequence of this institution is, that no man in England ever meets the man of whom he may say, 'That man has a power to decide on my death or life.' If we could for a moment forget the advantages of that institution, we ought at least to admire the ingenuity of it."

The liberty of the subject is further secured by two other leading principles: the law can be put in force by any subject in the realm, and none can be imprisoned without lawful cause, nor long detained without trial. Not only can any person who feels a wrong has been done him by another appeal to the Courts for protection or redress, but any person knowing a crime has been committed, may, in the name of the Crown, set the law in force against the wrongdoer, even though he shall have no connection whatever with him or the person wronged.

The law which prevents the detention of persons without trial is commonly known as the Habeas Corpus Act, which was passed in the thirty-first year of the reign of Charles II., and is entitled "An Act for better securing the liberty of the subject, and for prevention of imprisonment beyond the seas." It contains provisions by which no British subject can be long detained in prison except in such cases as the law requires him to be detained. Should a person be imprisoned without being informed of the cause of his imprisonment, application may be made in his behalf to the Lord Chancellor or any of the Judges at any time, no matter whether the Courts are sitting or not, for a writ of *habeas corpus*, returnable immediately; and this writ will require the person holding the prisoner in custody to take him before the Judge named in the writ as speedily as the distance will permit, which in no case could justify a delay of more than twenty days. When brought, the Judge shall determine whether the prisoner is properly detained; if not, he is bound to order his liberation. Another provision in the Act requires that every person committed for treason or felony shall, if he require it, be brought to trial at the next sitting of the Court which should try him; and, if acquitted, or not tried during the second sitting of that Court, he shall be discharged, unless it should be shown to the Court that time is required to bring the witnesses together. Another provision forbids the recommitment of a person for the same offence, when once delivered by a writ of *habeas corpus*, and very severe penalties are attached to any infringement or evasion of the law. An Act, passed in the reign of George III., extended the operation

of the Act of Charles II., not only to cases of illegal detention by one subject of another, but to cases of illegal detention in which the Crown is specially concerned. Persons charged with smuggling, for instance, or impressed for service in the Navy, could apply for a writ of *habeas corpus* as against the Lords Commissioners of the Treasury in the one case, or the First Lord of the Admiralty in the other.

Of course, it is competent for Parliament at any time to put an end to this law, and it has been the practice, in times of alleged danger, for Parliament to suspend the Habeas Corpus Act by giving authority to the Crown, for a limited period, to imprison suspected persons without giving any reason for so doing. Some think these times of alleged danger are the very periods when the Act is most necessary; because it is in times of tumult that men in authority are apt to confound the innocent with the guilty, if not to be despotic and cruel. The Habeas Corpus Act is designed for the protection of the innocent, and not to prevent the punishment of the guilty; therefore, it is at all times necessary for the protection of the subject, and never harmful to the State.

The liberty of the subject, then, is secured by the independence of the Judges, by trial by jury, by the power every subject has of enforcing the law, and by freedom from imprisonment, without speedy trial. The principle in our Constitution, however, which has most created the astonishment of foreigners in respect of the administration of justice, is the power the meanest subject has in this country of securing complete redress for any violation of the law, though committed by the chief representatives of the Sovereign. But cases are not uncommon in these days, in which persons of comparatively low degree are found sueing, and sueing successfully, Ministers of the Crown for the consequences of acts done in their capacity as representatives of the Sovereign. A case is recorded of the reign of Queen Anne, which illustrates at once the confidence with which men in this country appeal to the laws, the respect shown by the Sovereign to them, and the advantages we enjoy as compared with the condition of the inhabitants of other countries. The Russian Ambassador, in the year 1708, was

arrested, when riding through the street, at the suit of a tradesman, for a debt of £50. The Czar of Russia, upon hearing of the occurrence, was greatly incensed at what he regarded as an affront, and demanded that the Sheriff of Middlesex, whose agent had made the arrest, and all others concerned in it, should be punished with instant death. "But the Queen, to the amazement of that despotic Court," says Judge Blackstone, who records the incident, "directed the Secretary of State to inform him that she could inflict no punishment upon any of the meanest of her subjects, unless warranted by the law of the land." It is necessary to add that, foreseeing trouble might arise out of such a state of the law, an Act of Parliament was afterwards passed, freeing from arrest all ambassadors in this country, and such of their servants as they may name to the Secretary of State. A copy of this Act, elegantly engrossed, was sent to the Czar by an Ambassador specially commissioned for the purpose.

Having described the leading principles of the Constitution, in respect of the administration of justice, it is necessary now to describe the titles and positions of those officers who administer justice, and the titles and jurisdiction of their several Courts.

ORIGIN AND FUNCTIONS OF THE COURTS.

Originally the Anglo-Saxon Kings administered justice in person, assisted by the Wittena-gemote, or meeting of the wise, and they made progresses through the country for the purpose of deciding complaints, and reviewing decisions of their Thanes, which had been appealed from. William the Conqueror, however, although he did not alter the Constitution of the Great Council of the Anglo-Saxons, created an officer, with the title of Chief Justiciar, to preside in this Court, when dispensing justice, and from the fact that it always followed the person of the King, and was held in the hall of the King's palace, it came to be known as the Curia or Aula Regis, or Court of the King. This Court decided all cases, whether complaints against persons for breaches of the King's peace, or appeals from inferior Courts, complaints relating to the payment of taxes into the King's Exchequer, and disputes between subject

and subject, known as Common Pleas. William the Conqueror likewise discontinued the practice of going through the country, from time to time, to dispense justice, but, instead of this, he annually summoned his Great Council to sit at Easter, Whitsuntide, and Christmas, in three different parts of the kingdom, Winchester, Westminster, and Gloucester. This brought a great many suitors to Westminster, but to those who could not come, justice was denied. Accordingly Justices in Eyre were appointed to travel through the country with jurisdiction almost equal to that of the Aula Regis itself.

These itinerant Judges, however, did not complete their circuit in less than seven years, and some further change being deemed necessary, the whole system of administering justice was reorganised during the period between the reign of Edward I. and Edward III. The Aula Regis was abolished, and three separate Courts were established: the Court of King's Bench, which had the power of controlling all inferior tribunals throughout the country, and dealing with all crimes, misdemeanours, or breaches of the peace; the Court of Exchequer, which had to deal only with cases relating to the revenue; and the Court of Common Pleas, which was deputed to decide cases of disagreement between private persons. These Courts exist to the present day, and the same distinction exists between them, that is to say, although an action by one private person against another may, with certain exceptions, be brought in any of the three Courts, certain actions, such as those arising out of disputed ownership of land, must be brought in the Court of Common Pleas; actions relating to the revenue must be brought in the Court of Exchequer; and actions involving criminal charges, or in any way relating to breaches of the peace, must be brought in the Court of King's or Queen's Bench.

At about the same period was established the custom of certain of the Judges making circuits through the country twice a year to administer justice, as the Anglo-Saxon Kings, and as the Justices in Eyre had done, but with greater regularity; and this system also is in operation to the present day. The circuits are fixed by Act of Parliament, and the Judges meet and determine each year

which of them shall go upon this errand, and upon what day. They are then formally appointed for the purpose by Commissions from the Sovereign, which are issued from the Crown Office. The principal of these is called a Commission of Oyer and Terminer, which, in ancient French, means a Commission to "hear and determine." It is directed to the Lord Chancellor, several high officers of State, resident noblemen, and Magistrates, and two Judges, together with the King's or Queen's Council, and the Serjeants-at-Law who happen to attach themselves to certain circuits, and the Prothonotary or Associate of the Judge resident in the county; it authorises those commissioned to enquire into the truth of all charges of treason, felony, and misdemeanour committed within the several counties and places which constitute their circuits, and also to hear and determine the same on certain days, and at certain places, to be appointed by themselves. A second Commission of General Gaol Delivery is also directed to the Justices attending each circuit, the King's or Queen's Council, the Serjeants, and the Judges' Associates; it is in the nature of a letter from the Sovereign commanding those named in the Commission to deliver the gaol of the place named in the Commission of all the prisoners confined in it; and it also informs them that the Sheriff of the County, who has control of the gaols, is commanded to bring the prisoners before them on a day to be named by the Commissioners themselves. The Judges going circuit have also, by statute, powers to try causes of difference between private persons, as well as to try prisoners, and when so acting, they are called Judges of Nisi Prius. The meaning of this description, "Nisi Prius," which, literally interpreted, means "unless before," is easy to be understood. Before the time when the practice of Judges going on circuit was thoroughly established, the Sheriff of the County where the cause arose, was commanded to bring the jury and witnesses to Westminster to try the action; but when the attendance of Judges in the country had become not uncommon, the writ to the Sheriff contained what is known as a clause of Nisi Prius, and ran:—

"We command you that you cause to come before our Justices

at Westminster, on the morrow of All Souls, twelve lawful men who, &c., unless before (*nisi prius*) that day A. B. and C. D., our Justices assigned for that purpose, shall come to your county to take the assizes there."

Until recently this form was still observed; but the Sheriff never had to bring his jury and witnesses to Westminster, because the day named in the writ was always later than that fixed for the Judge to attend on circuit. The phrase "Nisi Prius" has now come to be used as a description of the causes tried by Judges under these circumstances. It will, however, suffice for the purpose of this work to distinguish only between civil and criminal cases.

There was yet another department of the Aula Regis, besides those referred to above, called the Cancellaria, in which were prepared the writs and precepts for conducting the business of the Court, and from which is derived our present Court of Chancery. It was presided over by the King's Chancellor, who, in those days, was of subordinate rank, although he sat with the other Judges in the Aula Regis. He was originally the King's chief Chaplain, or Secretary, and supervised all Royal grants and charters made by the Sovereign. The nature of his duties brought him much into personal communication with the King, and when the office of Chief Justiciar was put an end to, and the three Courts took the place of the Aula Regis, the Cancellaria still remained a part of the King's Court, and the Chancellor still remained near the person of the King. In time, he naturally became his recognised Prime Minister, and thus we have the origin of the political office of Lord Chancellor described in the chapter on "The Cabinet and the Government." The Court of Chancery arose out of the administrative duties of the Chancellor. Having to supervise and issue the Royal Charters, he became their interpreter, when the powers exercised under them were disputed, and thus he determined cases of private wrong. Petitions for the settlement of similar questions were also presented to Parliament, and these multiplied so largely that it was thought best to constitute the Chancellor head of a Court for the purpose of authoritatively deciding all such matters, and he does so to this day, without a jury, in accordance with well-

established rules, which have gradually become moulded into what is known as Equity law, because the judgments were originally, and are still, based not so much on statutes as upon reason and natural right. The Court of Chancery is, for this reason, called a Court of Equity, and its jurisdiction an Equitable Jurisdiction. The Lord Chancellor is assisted in this work by the Master of the Rolls, who has a salary of £6,000 a year, and three Vice-Chancellors, whose salary is £5,000 a year each. The decisions of these Judges may be appealed from to the Lords Justices of Appeal, whose sole duty consists in considering such appeals, and from their decision a suitor may go to the Lord Chancellor, and ultimately to the House of Lords, as the Supreme Court of Judicature in the Realm. The two Lords Justices receive each £6,000 a year. Should a question of fact arise in any of the Chancery Courts, it may now be decided by a jury, in the same way as if it were tried in any of the other Courts.

The Judges of the Court of King's Bench, which claims to be superior to all others, consist of the Lord Chief Justice of England, at a salary of £8,000 a year, and five *puisne*, or lesser Judges, at salaries of £5,000 each, who, by virtue of their office, are Chief Conservators of the Peace and Supreme Coroners in the land. The Judges of the Court of Exchequer consist of the Lord Chief Baron of the Court, at a salary of £7,000, and five *puisne* Judges, also called Barons, because, it is believed, they were originally Lords of Parliament, at salaries of £5,000 a year each. The Court of Common Pleas consists of the Lord Chief Justice of Common Pleas, with a salary of £7,000, and five *puisne* Judges, at salaries of £5,000 each.

The Judges of these superior Courts, however, try only the most important cases. All the more trifling matters are disposed of as they arise in the County Courts, or by the Justices of the Peace, or Magistrates, and those associated with them, to dispense justice in the places where they reside.

There are other Judges appointed to preside over Courts constituted by Parliament in recent times for special purposes. The Judge of the Court of Probate, who is also the Judge for the settle-

ment of matrimonial causes, is the most important of these; the Judge of the Court of Admiralty and the Court of Arches stands next. Their Courts are referred to under the heading "Special Courts."

Judges in the Superior Courts wear tippets of ermine over robes lined with crimson cloth, and the covering of their head is a three-cornered hat, which they wear over a full bottomed wig on State occasions, and when passing sentence of death.

JUSTICES OF THE PEACE.

Throughout the country, in every city or town, and within easy reach of every village, may be found a representative of the Crown in the person of a resident Magistrate, or Justice of the Peace. Justices were first appointed in the reign of Edward III. His mother, Isabella, immediately upon his coming to the throne, sent writs to the different Sheriffs, stating that his accession had taken place with his father's consent, and commanding that the peace be kept on pain of disinheritance, and loss of life and limb. A few weeks afterwards, it was ordained that, for the better keeping of the peace in every county, good and lawful men should be assigned to keep the peace. They were accordingly appointed by the Crown, and are so to this day, except that the elected Mayor and Aldermen of the City of London and the Mayors of incorporated towns are also Magistrates, though not County Justices, by virtue of their office.

County Justices are now appointed by Commission, from among the most worthy gentlemen resident in the county in which they have jurisdiction. Their powers, which are various and include the levying of rates for the maintenance of the highway, are all set forth in Acts of Parliament constituting them authorities in the matters they administer, but their most important duty is still the preservation of good order in their respective neighbourhoods and the dispensing of justice. For the latter purpose they sit at stated times to hear and decide complaints, to consider charges against persons brought up in the custody of the police, to commit them to prison in certain cases of small degree,

or to await trial by a superior Court in graver cases. This superior Court may be the Court of Quarter Sessions held by the Justices themselves once every three months, or in still graver cases the prisoner may be committed for trial at the Assizes. But to ensure that on the one hand the Justices do not refuse justice where they have it in their power to grant it, and on the other do not exceed their powers and act with partial, corrupt, or malicious motive, suitors who feel they have cause may appeal against their decision to the Court of King's Bench, which exercises a general superintendence over all who administer the criminal law of the country. If they have right on their side the offending Justice will, in the one case, be compelled to do what he had before refused, and, in the other, if his motives be proved corrupt, he will be liable to fine and imprisonment, and removal from the Commission of the Peace.

Every meeting of the Court of Quarter Sessions is attended by the Custos Rotulorum, that Justice of the Peace who keeps the rolls of the local Courts. He is not bound, however, to attend in person, and may send a deputy.

The Magistrates of the larger towns usually have associated with them for the hearing of complaints Stipendiary Magistrates, who, as their name implies, are paid for their services; and also Recorders, who are appointed to preside at the Borough Sessions, and conduct trials in all respects as a Judge, except that all cases of difficulty—that is, all graver cases—are reserved for the Assizes. The Police Magistrates who sit daily in London and Westminster are Stipendiary Magistrates, but the Recorder of the City of London is an officer of some antiquity, appointed by the Lord Mayor and Court of Aldermen by prescriptive right. His title of Recorder arises from the fact that the first charter of Edward IV. to the City of London grants that the customs of the City be certified and "recorded" by word of mouth, and that the Mayor and Aldermen may declare by the Recorder what the custom is in disputed cases. Special provision is made for the County of Middlesex also, in lieu of Assizes, on account of the large number of cases arising in the City and its suburbs. The Central Criminal Court, consisting of

the Lord Mayor, the Lord Chancellor, the Judges of the three Courts at Westminster, the Judge in Bankruptcy, the Judge of the Court of Admiralty, the Dean of the Arches, the Aldermen, the Recorder, the Common Sergeant, who acts as Deputy Recorder, and the Judge of the Sheriffs' Courts, holds Sessions at least twelve times a year and tries all prisoners committed by the magistrates in London and Middlesex, and in certain parts of Essex, Kent, and Surrey. Prisoners charged with petty offences are dealt with by the County Justices.

The Justices are, in some cases, subject to the Lord Lieutenant of their county, an officer of great distinction, and generally a Peer, appointed to manage the militia of the county and all military matters therein. Lords Lieutenant nominate the officers of the militia, and present to the Sovereign the names of those fit to fill the office of Deputy Lieutenant; they also recommend who shall be appointed Justices of the Peace, but this forms no part of their duty, strictly speaking.

THE SHERIFFS.

The officer, however, who in his own person has most to do with the execution of the law in his county is the Sheriff. He is, in fact, the first man in the county during his year of office, and takes precedence there even of Peers of the Realm. He represents, too, an office of greater antiquity than any other, except that of the King. The duties of all other officers of the State have changed, or been entirely abolished, but the Sheriff is still the officer who levies fines due to the State and he is still a conservator of the peace, although he may not act as a Justice during his year of office.

In the earliest Saxon times of which we have any record, we read of the Shire-Reve, a title taken, in part, from the Saxon word *reafan:* to levy or seize. He then represented the lord of the district, within which he levied the lord's dues and performed some of his judicial functions. He does the same now for the King. He was sometimes appointed by the lord, but more often elected by the freeholders of the district. He is now appointed by

the Sovereign, except in those cases which are regulated by special charter. The freemen of the City of London, for instance, still have the perpetual right to elect the Sheriff of Middlesex. The common method of appointment, however, is for the Lord Chancellor, the First Lord of the Treasury, and the Chancellor of the Exchequer, together with the Judges, to meet early in November, to consider who shall be appointed Sheriff in each county for the year. The Judges report the names of three fit persons in each county, obtained by them from the Sheriff holding office when they last visited the country as Judges of assize. The first of these is usually chosen, and the list so made is considered by the Cabinet early in the following year. If any of those nominated desire to be excused from serving, the grounds of their excuse are examined, and the list finally determined on is submitted to the approval of the Sovereign, at a meeting of the Privy Council, when the ceremony of "pricking the Sheriffs" is gone through. The names being all written on sheets of vellum, the Sovereign pierces a hole through the parchment with a punch, opposite the name of the person appointed for each county; and this puncture denotes to whom the patents of office are to be issued.

A Sheriff derives his authority from two patents, one committing to him the custody of the county, and the other commanding the inhabitants to aid him. His duties are very numerous, and he has power to appoint an Under-Sheriff to help him; he is also obliged to have an agent in London. The county gaol is under his control; he has power to apprehend all wrong-doers; he summons the juries to try prisoners, receives and constantly attends the judges when they arrive in his county as Judges of Assize, carries out the sentence of the law, receives all fines due to the Crown, and renders account of them; he acts as returning officer in the election of Members to serve in Parliament, and therefore cannot himself represent his county in Parliament. During his year of office he presides in his own Court as a Judge, and decides certain small causes of disputed right. In times of riot, rebellion, or invasion, he has to defend the county, and with this object, may summon to his aid all men within it over fifteen

years of age. This assembly is called the *posse comitatus*, and to refuse obedience to the call of the Sheriff is an offence punishable by fine and imprisonment. The onerous character of the office, coupled with the fact that severe penalties are attached to any neglect or breach of its duties, causes some to shrink from undertaking it, but unless they can find a good excuse for refusing to serve they are fined heavily, and may be called on again and again. One, however, who has served, is not liable to be called on again, until after the lapse of three years, unless no other person can be found in the shire of sufficient substance for the office.

THE CONDUCT OF CRIMINAL TRIALS.

The course pursued in the conduct of trials before the Judges of Assize, before the Central Criminal Court, sitting at the Old Bailey, before the Recorders in Borough Sessions, or the Chairman of the Justices sitting in Quarter Sessions, is the same in all material points. If, therefore, we follow the course pursued at the assizes, we shall see in what manner justice is administered throughout the country.

The Sheriff, having ascertained from the Associate when the Judge is expected, goes to meet him, and attends him as long as he makes circuit within his county. Upon his arrival in each town, he accompanies him to the Court House, when the ceremony of reading the Commissions is gone through, authorizing the Judge to act. This done, the Judge may at once proceed to the trial of causes and prisoners, or he may adjourn the Court until another day. He usually adjourns the Court until the next day, when the first step taken is to swear the Grand Jury, whose attendance the Sheriff will have secured. Common jurors will also have been summoned by him, and be in attendance. All men between the ages of twenty-one and sixty, who are freeholders, or who rent houses of the value of £30, in Middlesex, and £20 elsewhere, are liable to be called on to sit as jurors, unless they be Peers, Judges, clergymen, Roman Catholic priests, dissenting ministers following no other occupation except that of schoolmaster, sergeants and barristers-at-law, attorneys, proctors, officers of courts, Coroners, gaolers,

physicians, surgeons, apothecaries, officers in the Army and Navy on full pay, licensed pilots, masters of vessels in the buoy and light service, household servants of the Sovereign, officers of customs and excise, Sheriffs' officers, high constables, and parish clerks.

The Grand Jury must consist of at least twelve men; it however generally numbers more and is usually composed of men occupying a somewhat higher position in life than common jurors. The Grand Jury having been sworn, the Clerk of the Court reads the Royal Proclamation against vice and immorality, after which the Judge charges the Grand Jury, reviewing the more important cases that await trial, and explaining points of law upon which they may need information. The Grand Jury then retire to their room, where they are furnished with a separate bill of indictment against each prisoner, stating the offence with which he is charged, and how he comes before the Court, and having inscribed on the back of it the names of the principal witnesses who appear in reference to the matter. Having examined each witness in turn, no one else being present, the Grand Jury consider whether the bill of indictment is a true bill or not. If a majority of at least twelve of their number decide that the evidence they have heard, being uncontradicted, would be sufficient to prove the guilt of the prisoner, the bill is endorsed "A true bill," or they may say the bill is true in some respects, and not true in others, or they may amend the bill, and return it "a true bill," as amended. If less than twelve think the evidence sufficient, they endorse the bill "*Ignoramus:*" "We do not know," whence comes the phrase, "ignoring a bill." The more common endorsement, however, is "No true bill," and when this is the finding of the Grand Jury, the prisoner is free. He may, however, be again apprehended at some future time, and put upon his trial for the same offence, whereas, if his case had proceeded to trial, and he had been acquitted, he could not, for when once a man has been tried and acquitted, he cannot be again charged with the same offence, no matter what proof of his guilt may be afterwards discovered.

The Grand Jury, from time to time, as they proceed with their work, return into Court, bringing the bills with them; and the Clerk, in their presence, reads the name of the prisoner on each bill, and the finding of the Grand Jury endorsed on the back of it. When they have considered and endorsed all the bills of indictment, they are dismissed; but, before retiring, they may make any presentment they think fit, touching the public welfare.

All those prisoners against whom true bills have been found, have now to be tried, and must be brought to the bar. If in custody, a prisoner will be brought up by the gaoler; and, if he should have been permitted by the authority who committed him to go at large on bail, between the time of his commitment and his trial, some of his friends having been surety for him, he will probably appear of his own accord. If not, his friends will forfeit their bail, and the Sheriff will seize their goods if they do not pay. But, although those indicted are kept in safe custody, every man, according to the English law, is presumed to be innocent until pronounced guilty by the jury. This does not mean that the law holds his innocence to be more probable than his guilt, but merely that the burden of proof lies upon the accusers—not that the prisoner has to prove his innocence, but that his accusers have to prove his guilt. This, also, is the principle which forbids that any should be punished before conviction. The detention of a person in custody awaiting his trial, must be regarded as a security for the public, not as a punishment of the person detained.

Let us suppose one of those against whom the Grand Jury has found a true bill is indicted for embezzlement, inasmuch as he has been charged with having stolen some money belonging to one who has employed and trusted him. Offences of this character are dealt with by the law with great rigour, because if they were common, they would render the conduct of business impossible by preventing all confidence between employer and employed. The prisoner so indicted having been placed at the bar, is called upon to plead "Guilty," or "Not guilty." If he plead "Guilty," the

plea is recorded, and the Judge passes sentence. If "Not guilty," a jury is called to try the case as between the Crown and the prisoner, for the prisoner if guilty is held to have done injury to the community by committing this wrong, and the Sovereign, anxious for the welfare of the people, prosecutes.

This is the time for the prisoner to object to any of the jury who are to try him, for it is held that inasmuch as the fate of the prisoner depends upon the men composing the jury, justice requires he should have something to say in regard to the choice of them. Accordingly the law gives him the right to challenge them. He must do so as their names are called, and before they are sworn. He may challenge the whole array, or list of jurors, on the ground of some partiality or default on the part of the Sheriff; or he may challenge jurors singly, either on the ground of incompetency, if, for instance, they be aliens or otherwise unqualified by law, or of bias or partiality, or of infamy through having been convicted of some crime; and in each case the ground of objection must, if required, be shown to the Court. In cases of capital charges the prisoner may challenge thirty-five jurors peremptorily—that is, without giving any reason. The King, as prosecutor, however, must show his reason for challenging in all cases, unless twelve jurors can be found in Court to whom he does not object.

Twelve accepted jurors having been sworn, the case proceeds. The Crown will be represented by a barrister, so called because he is admitted by one of the Inns of Court to plead causes at the bar. Acting in this capacity he would be styled counsel for the prosecution, and might be nominated by the person who actually prosecutes in the name of the Crown. If not, he would be appointed by the Court, and paid by the county. It is his duty to explain the matter of the indictment to the jury, and then to examine the witnesses in support of it. All this must be done in the presence of the prisoner, who is at liberty to conduct his own defence, or be represented by a barrister as he chooses. He must do either one or the other, and is never allowed to do both at the same time. If he be quite without means, and ask for counsel, the Court commissions a barrister to defend him without cost to

himself; or, if the matter be small, the Judge himself cross-examines the witnesses for him, and generally sees he is treated fairly.

The witnesses must, in all cases, speak of what they have seen or know. They must not tell of what they have heard, or what they suppose, or think likely, but what they can certify to as matter of fact within their own knowledge; nor may they relate any conversation except such as occurred with, or in the presence of, the prisoner. This is but fair to the prisoner, because he could not in reason be asked to procure evidence to contradict that of which he could have no knowledge, and it is clear that, if descriptions of conversations other than those which occurred in the presence of the prisoner were allowed, they would soon lead beyond the matter in dispute and make the case interminable.

In the case supposed, there would probably be evidence of the prisoner's having received the money, of his having spent, or had in his possession more money than was usual with him, and evidence also that the money he received was not paid over to the proper person. Now, perhaps the person who paid the money to the prisoner might have heard, upon the day after he had paid it, that it was not paid over to the person for whom it was intended; but, although this might be perfectly true, and although the witness might be perfectly convinced of its truth, he could not give evidence of the fact, because he would be speaking only from hearsay. Much less would he be allowed to say how he became possessed of the information. The man who should have received the money from the prisoner might have told him, and he would probably be able to give a full account of all that passed between them. This, however, would be no evidence against the prisoner; it would be evidence only of the opinion of the two persons conversing. If, however, the statement in question were made to the witness in the presence of the prisoner, his description of what occurred would be evidence, and what the prisoner said in reply would also be evidence.

The Court will allow nothing but personal knowledge of facts to be spoken against a prisoner, nor does the law allow the prisoner himself to be questioned after he has pleaded. It is com-

monly said that a man's mouth is closed when he is on his trial; but this is not strictly correct. He or his counsel may say whatever they think will serve him; the law says only that a prisoner shall not be questioned save to say whether he is guilty or not, and says so in the interest of the prisoner himself.

As soon as a witness has completed his statement as against the prisoner, it is open to the counsel for the defence, or the prisoner if there be no counsel, to cross-examine him, and, thereafter, he may be re-examined, but only upon matter respecting which he has been cross-examined. He may then be again cross-examined, but only respecting points upon which questions were asked in re-examination, and in this way the examination may be continued, but no fresh matter may be imported into it except by the Judge or Jury, who may ask what questions they please to elicit the truth. It has been said that "some barristers who are more intent on their own credit for ability than on keeping to what is right and fair, will sometimes endeavour to bewilder and perplex an honest witness, or to intimidate and, as it is called, 'browbeat' him by harsh language or by charging him with bad motives. It is the duty of the Judge, whenever anything of this kind is attempted, to rebuke and check it."

All the witnesses for the prosecution having been examined, it is then competent for the prisoner or his counsel to address the jury and to call witnesses to show he is not guilty by disproving, if possible, what the other witnesses have said. And when these witnesses have been cross-examined, the counsel for the defence reviews the evidence and does his best to show the weakness of the case against the prisoner; after which the counsel for the Crown does his best to show the strength of his case and the weakness of the defence. The Judge then sums up the whole case, pointing out to the jury the most weighty pieces of evidence, where contradictions are evident, and where they are only seeming differences; but in all cases leaving the jury to say which of the two conflicting statements is true. The Judge will also explain the law by which the jury must be guided, and he may comment upon the demeanour of the witnesses and express an opinion as to which of them is most

worthy of credence, but in all this he will be merely advising the jury: the decision rests with them, and it must be their own decision absolutely.

If the case is clear, the facts well proven, and no doubt exist in the minds of any of the jurors, they may at once return their verdict. If, however, any among them doubt, they retire to deliberate. For this purpose they are given into the charge of an usher of the Court, who is sworn to keep them in safe custody, and not to allow them food, fire, coal, nor candle light, nor to suffer anyone to speak to them, nor even to speak to them himself, save to ask them whether they have agreed on their verdict. The usher so sworn conducts them to a jury-room and locks them in until they have agreed on their verdict, which must be unanimous, and, therefore, in some cases not easily arrived at. Sometimes juries have been locked up the whole night without agreeing, but this is seldom done, for when it is found there is little hope of their agreeing, or when fears are entertained of the health of any of them, the Judge may dismiss them, and the prisoner has to be tried again.

When the jury have agreed, they are conducted into Court by the usher in charge of them, who is questioned touching his observance of the oath he took, and then the Clerk of the Court calls upon the jury to say whether the prisoner at the bar is guilty, or not guilty. The foreman of the jury answers, and if he says, "Not guilty," the prisoner is free, if "Guilty," the Judge proceeds to pass sentence according to law.

In Scotland the jury are allowed to return a verdict of "Not proven," when they feel they have not sufficient evidence of the prisoner's guilt to justify a conviction, but yet are not satisfied of his innocence, so that when in Scotland the jury return a verdict of "Not guilty," it means the jury think him innocent, while in England it may mean only that they are not satisfied of his guilt.

A verdict of "Guilty" transforms a man into a convicted criminal, but the verdict is that of the jury, twelve free men, perhaps of the convict's own station in life; it is not the verdict of the Judge, nor the Sovereign, nor any person in permanent

authority; and throughout the trial has been conducted on principles favourable to the prisoner. Nor is the punishment accorded that he may suffer. Distress of body and mind are inevitable consequences of punishment, but it is not with this object, primarily, that punishment is inflicted. If it were so, the community would be guilty of punishing from feelings of revenge. The first object in view in the administration of criminal justice is the protection of the community, and it is because the prospect of punishment deters some from evil courses, who would otherwise do criminal acts, that punishment is inflicted. Punishment is also designed to reform those upon whom it falls, but this must ever be a subordinate object, and cannot be persisted in at the risk of sacrificing the chief end of punishment—namely, prevention.

CIVIL ACTIONS.

The course of procedure in the conduct of a civil action differs according to the nature of the action, and the Court in which it is tried, but, generally, the plaintiff bringing the action, states his case, or has it stated, by his counsel, who also examines his witnesses in support of it. The defendant, or his counsel, states his case, and examines his witnesses, and the Judge, if the trial be conducted before a Judge, or the Chairman, if the case be such as comes within the jurisdiction of the Court of Quarter Sessions, reviews the whole of the evidence in giving the jury charge of the matter. The jury then returns a verdict upon the evidence, and the Judge or Chairman gives judgment accordingly. In a civil action both parties stand before the Court on equal terms; neither of them are in peril, therefore favour is shown to neither.

THE RIGHT OF APPEAL AND THE PREROGATIVE OF PARDON.

Should a suitor feel he has not had justice done him, he has, in most cases, the opportunity of appealing to some Court other than that in which his action was tried. The Court to which he appeals is determined by the nature of the action and the place where it was tried.

Final appeals from decisions given in the Court of Queen's Bench, the Court of Exchequer, and the Court of Common Pleas,

as well as in the Court of Chancery, and the Probate Court, are heard and determined in the House of Lords by the Lord Chancellor, and such Peers as have filled the office of Lord Chancellor. Formerly other Peers influenced the decisions come to by their votes; but, although theoretically the judgments given are the judgments of the whole House, none but the Law Lords now sit in cases of appeal.

Appeals from the Admiralty Court, the Court of Arches, from India and the Colonies, are all made to the Sovereign in Council, and are referred to the Judicial Committee of the Privy Council, who hear the arguments, and the evidence in the case, and thereafter advise the Sovereign what decision to come to. The Sovereign, in accordance with that advice, passes judgment. The Judicial Committee of the Privy Council consists of such Privy Councillors as are learned in the law, and includes all ex-Lord Chancellors, and such of the Judges as may be Privy Councillors.

A convicted criminal has no appeal from the verdict of the jury; he may, however, appeal against the Judge's interpretation of the law, when directing the jury, to the Court for Crown Cases Reserved, which generally consists of some Judges other than the Judge whose decision is appealed from. If he can prove the Judge wrong, the conviction is quashed. The sentence, however, may be commuted, or wholly remitted by the Sovereign, on the advice of the Home Secretary, even though the prisoner be convicted according to law. It is the King's prerogative to pardon, but it should be noticed that this prerogative is never exercised without some reason. If the reason is bad or not clear upon the face of it, the expediency of the act may be called in question in Parliament, and the Home Secretary, in that case, would have to answer for the advice given to the Sovereign. The King can remit fines as well as punishment; but, in the case of a civil action, the Sovereign has no power to disturb the verdict. Whatever the jury award as damages to be paid by the defendant to the plaintiff must be paid together with the costs which may be allowed, unless the plaintiff forgive him.

There is a further limit to the Royal prerogative of pardon. The Sovereign cannot pardon a breach of the Habeas Corpus Act, in respect of that clause which forbids the imprisonment of any person, beyond the seas, without trial; nor a common nuisance committed by one subject against another; nor an offence against a penal statute, after information has been brought, because the informer has acquired a private property in his part of the penalty.

If a man be found guilty of an offence by a jury, and facts afterwards come to light which prove him to be innocent, no matter how grave the charge against him may be, the verdict cannot be reversed, and there is no power by which he can be formally declared innocent; the error can be corrected only by the Sovereign granting a free pardon. The anomaly of a man receiving a free pardon for an offence which everyone knows he has never committed, is so strange, that at first sight, it seems impossible to justify it. It can, however, be explained upon the basis of the fact, that the law has always regarded the verdict of the jury, in criminal cases, as unquestionably right and unalterable. If powers were given to the Crown to reverse the verdict of the jury, in cases where the innocence of the persons convicted was subsequently proven, the same power could not be withheld in the case of a person wrongfully acquitted in the estimation of the Sovereign. The Sovereign's power of review does not go further back than the verdict of the jury, but as it is almost impossible to place before the same jury as passed the verdict the new facts which have come to light, it is held to be wiser, and, certainly, it is more expeditious, to remit the penalty by a so-called free pardon. The sentence, too, may be commuted to a single day's imprisonment, if the Sovereign be so advised.

SPECIAL COURTS.

The Court of Probate, which decides all cases of disputed wills, and also disposes of all suits in matrimonial causes, sits in London only. The presiding Judge is equal in position to the *puisne* Judges of the Superior Courts.

The Court of Admiralty sits only in London, and decides all cases arising on the high seas. It has exclusive jurisdiction in respect of acts done upon the coast if beyond low water mark, and of all acts done on the water between low and high water mark; but the Courts of Common Law take cognizance of offences committed on the strand when the tide is out. All cases of seamen's wages, collision of ships, disputed ownership of vessels, charges for pilotage, salvage of wreck, and similar matters come within the jurisdiction of the Court of Admiralty.

When considering these cases, the Judge is always assisted by two Elder Brethren of the Trinity House, who sit on the bench with him, and aid him on nautical points.

The same Judge sits in the Court of Arches, which decides all ecclesiastical cases. Suitors appealing from this Court and the Court of Admiralty, go to the Judicial Committee of the Privy Council, which also considers all cases in which appeals are made from the decisions of the Colonial Courts.

COURTS MARTIAL.

Courts Martial are composed of officers of the Army or Navy, and sit for the trial of alleged breaches of discipline on the part of officers or men. They are authorised by the Crown, under the provisions of the Mutiny Act, and the Marine Mutiny Act, passed each year. The officers of the service not only sit as the Court, but also give the verdict as a jury. Courts Martial are assisted in the conduct of business by the Judge Advocate General, or his Deputy, or one appointed by the President of the Court to act in his stead, who sits as assessor, and advises the Court on points of law.

The Mutiny Act, however, provides that nothing contained in it shall exempt any officer or soldier from being proceeded against in the ordinary Courts of law for felony or misdemeanour, for the object of authorising Courts Martial is simply to secure the more speedy punishment of breaches of discipline.

LESSER COURTS.

Besides the superior Courts for the trial of graver matters, County Courts have been established for the more speedy and less costly

settlement of civil actions. All claims for small debts are tried in these Courts, which are very numerous, and sit at short intervals. The matters coming before them may be tried either by the Judge alone, or by a jury at the option of the suitors. The jurisdiction of these Courts has been lately extended, and suits may now be decided in them which formerly could only be tried in the Court of Chancery. The County Courts have an Admiralty jurisdiction, and the County Court Judges also sit as Judges in Bankruptcy.

The Courts of Bankruptcy are resorted to by persons who cannot pay their debts, and who cannot make an arrangement with their creditors. The chief point to which the Judges of these Courts direct their attention is to see that the bankrupt makes a full disclosure of all his property for the benefit of his creditors; to afford him relief if he has become bankrupt by reason of misfortune and to delay relief if his bankruptcy is the result of reckless trading or dishonest practices on his part. Some traders have so little regard for the interests of others that they will buy goods upon credit for which they have no prospect of ever being able to pay, and will sell those goods for less than they cost, in order to provide themselves with money for some present necessity. This is morally as dishonest as theft, and it is against such practices that the Judges in Bankruptcy are appointed to protect the honest trader.

The office of Coroner is of great antiquity, and was once as distinguished as that of the Sheriff. As late as Edward I. none but knights were appointed to the office, but, in these days, its duties being almost altogether confined to enquiring as to the cause of any sudden or violent death, it is usual to appoint lawyers or medical men. And since the Coroner is appointed in the interest of the community, and for the protection of those in the district, he has, from the earliest times, been elected by the freeholders of the County Court in answer to a writ from the Sovereign to the Sheriff. He is appointed for life, but may be removed by the Crown for neglect of duty. There are usually four Coroners in each county, but, in several cases, additional Coroners have been appointed on a representation being

made by the Magistrates to the Lord Chancellor that they were necessary. The duties of the Coroner are set forth in a statute passed in the fourth year of the reign of Edward I., which is still the law of the land, and which says, among other things, "the Coroner, upon information, shall go to the places where any be slain, or suddenly dead, or wounded, and shall forthwith command four of the next town, or five, or six, to appear before him in such a place; and when they are come thither, the Coroner, upon the oath of them, shall enquire in this matter." The jury summoned by the Coroner in these days, however, numbers at least twelve.

In case of death on the high seas, the inquest is held by the Admiralty Coroner, who is appointed by the First Lord of the Admiralty, to whom the Coroner makes a return of the result of his inquisitions.

The Coroner sometimes acts in the place of the Sheriff, in cases, for instance, when the personal interest of the latter in the matter to be administered might give rise to a suspicion of partiality.

The cost of the administration of Law and Justice amounts to nearly £4,000,000 per annum, and sometimes even more.

MINOR OFFICES.

The Master of the Rolls, besides holding office as a Judge in Equity, is also Keeper of the Public Records, or guardian of the national archives, of which the Domesday Book may be regarded as the most ancient and the most notorious. Generally they may be said to consist of contemporaneous statements of the proceedings in the higher Courts of Law, and of ancient but authentic memorials of all branches of the Government, constitutional, judicial, parliamentary, and fiscal, from which historians are able to gather together the history of our progress as a people during at least eight centuries. These records are written upon parchment from nine to eighteen inches wide. In some cases the various skins lay one upon another, the whole being fastened together at the top by thongs, and in others they are sewn

together, the top of one upon the bottom of the other, so as to form a continuous roll, after the custom of the Jews. The Domesday Book, however, is formed of two volumes bound in the same shape as an ordinary publication of the present day. The first volume consists of 382 folio pages, and the second of 450 pages half the size.

The King's or Queen's Remembrancer is appointed to remind the Commissioners of the Treasury, and the Barons of the Court of Exchequer of such things as are to be done for the Sovereign's benefit. Before the alienation from the Sovereign of the hereditary dues, this officer occupied a far more important position than he does now. He is, however, still associated with the Court of Exchequer, in its position as a Court of Revenue, and concerns himself in certain actions in that Court between private persons, on the plea that the plaintiff is less able to pay his debts due to the Crown, in the shape of taxes, on account of the alleged wrong done him by the defendant to the action. He also transacts much of the formal business connected with the Court of Exchequer, and in his own office registers all transfers of land to or from the Crown. His salary is £2,000 a year.

There is also a Remembrancer of the City of London, who keeps the Lord Mayor and Corporation informed of all matters before Parliament and the Privy Council and Treasury Boards, in which they are concerned. He has to give daily attendance in Parliament, to examine all the Bills presented in either House, and to report on such as are likely to affect the interest or privileges of the city. For this purpose the officers of both Houses are required to give him facilities of admission, and for purposes of identification by them he sometimes wears a medal, bearing the city arms. He also makes the necessary arrangements for the presentation of addresses from the City to the Sovereign, or Houses of Parliament.

Revising Barristers are officers appointed to hold Courts in the autumn throughout the country, for the purpose of revising the lists of voters for members of Parliament. If their decisions are appealed from, the Court of Common Pleas decides the disputed point.

The title of King's or Queen's Counsel is an honourable distinction conferred upon Barristers who are deemed worthy of it by the Lord Chancellor. By being nominated King's or Queen's Counsel, they are called within the bar, and are supposed to be retained in behalf of the Crown in all cases in which the State is concerned. By special licence, which is seldom refused, they may, however, appear for suitors as against the Crown.

The title of Serjeant-at-Law, is also an honourable distinction or degree conferred upon Barristers, which once carried with it substantial privileges now abolished. No one who is not a Serjeant-at-Law can be appointed Judge, but this is only a technical qualification, and those selected for the Bench are usually appointed Serjeants-at-Law one day and made Judges the next. Serjeants-at-Law wear the Coif.

CHAPTER XII.—NON-POLITICAL DEPARTMENTS.

All the Departments of the State described in previous chapters, are controlled by Ministers whose appointment depends upon political considerations. There are numerous other Departments whose chiefs hold their positions without regard to their political opinions, and retain them during good behaviour in the same way as those appointed to administer justice. Many of them, however, are more or less subject to one or other of the Political Departments.

THE TRINITY HOUSE.

The most ancient of these Departments and that which has most extensive jurisdiction is the Trinity House, recently made subject, in matters of finance, to the Board of Trade. The Trinity House was formally established by Sir Thomas Spert in 1514, and incorporated by Royal Charter, granted by Henry VIII., in the following year, but it is believed to have existed long before as an association for the protection of maritime interests. The Charter granted by Henry VIII. gave it authority to license and control pilots, and to erect beacons, lighthouses, and buoys along the coast for the guidance of mariners approaching our shores; duties which the Corporation discharges to this day. The earliest records of sea marks speak only of buoys and beacons in the River Tees and the Yarmouth Roads, and watch-towers, surmounted by burning coal, for the guidance of ships entering the harbour. The earliest record of a sea light for the guidance of passing ships is as late as the year 1600, when two lighthouses were erected by the Trinity House at Caistor, in Norfolk. For the maintenance of these lights and buoys the Trinity House has power to levy dues, regulated by Act of Parliament, from ships entering the ports. The affairs of the Trinity House are managed by a Court composed of the Master, four Wardens, eight Assistants, and eighteen Elder Brethren, making in all thirty-one. Twenty of these Elder Brethren are men brought up to the Maritime Service,

the remaining eleven are persons of distinction, members of the Royal Family, Ministers of State, and naval officers of high rank. Vacancies are filled up from the younger Brethren, as they occur, by ballot.

COMMISSIONS.

A number of Commissions have been constituted from time to time by Acts of Parliament for the purpose of carrying out the intention of the Legislature, or by Order in Council for administering matters which can be best dealt with in this way.

Among the latter are the Civil Service Commissioners, who examine all candidates for junior positions in the Civil Service, and who grant certificates of competency to such as satisfy these requirements. The Commissioners are two in number, and they act under an Order in Council made in 1855, which prescribes the rules by which they shall conduct their examinations.

The Commissioners for the reduction of the National Debt, consisting of the Chancellor of the Exchequer, the Lord Chief Baron of the Court of Exchequer, the Master of the Rolls, the Speaker of the House of Commons, the Governor and Deputy Governor of the Bank of England, and the Accountant-General of the Court of Chancery, whose duty it is to keep account of all money paid into the Court by suitors, are represented by the Comptroller-General, who transacts the business of the Department.

The collections of Excise Duties on articles manufactured in this country, the issue of postage, receipt, or legal stamps, and the collections of ordinary taxes is managed by the Board of Inland Revenue, who act under the Chancellor of the Exchequer. It consists of a Chairman and Deputy Chairman, and four Commissioners, and sits at Somerset House. This Board controls all the collectors of taxes throughout the country, and prosecutes in cases where persons attempt to evade payment.

The Board of Customs consists of six Commissioners, who, assisted by a large staff of clerks, manage the receipt of duties on exports and imports, and the payment of drawbacks, in cases

where the duty has to be returned. Every seaport has its Custom House, but the Chief Commissioners sit at the Custom House near the Tower of London.

The Commissioners of Woods and Forests manage the Royal forests and woodlands and other Crown property, as distinguished from Royal palaces and public buildings, which are under the First Commissioner of Works, a political officer. They are subject to the Lords of the Treasury, to whom they have to submit proposals to sell or purchase land.

The Charity Commissioners are appointed by statute passed in 1853. They have power to permit property held by charities to be used in a way different from that originally designed by those who established the charity. They could, for instance, allow persons holding money, in trust, to provide pensions for certain persons, to build a hospital with that money, or endow a school.

The Endowed School Commissioners, also acting under statute, have power to alter the constitution of endowed schools within certain limits, and to vary the application of the endowment possessed by such schools in a manner different from that designed by their founders. But the proposals of these Commissioners must lie upon the table of the Houses of Parliament for a given time before they can come into operation, and if objected to by either House, they cannot have the force of law.

There is also an Ecclesiastical Commission which is empowered to manage certain property belonging to the Church of England, and to re-adjust the incomes of those holding offices in the Church. The chief dignitaries of the State are included in the Commission, but the business is chiefly managed by two paid Commissioners.

The Copyhold, Enclosure and Tithe Commission, consists of three Commissioners, with power to appoint assistants. They are empowered by Act of Parliament to authorise the enclosures of waste land beyond a certain distance of a city or town, and to lend money for the drainage and improvement of land. Each year they make a report of their decisions to the Home Secretary, who lays it before Parliament, in accordance with a provision in the statute. These Commissioners are paid, and cannot sit in Parliament.

CHAPTER XIII.—CONVOCATION.

Convocation is the assembly of the Representative Clergy of the Established Church of England. There is a separate Convocation for each Province: that for the Province of Canterbury consists of two Houses, that for York of only one. The Upper House of Convocation of the Province of Canterbury is composed of the Archbishops and Bishops, and the Lower House, of the Deans, the Archdeacons and one Proctor for every Cathedral Chapter, together with two of the clergy returned by their fellows from every diocese, who are also called Proctors. Convocation is summoned by the Sovereign's writ, and is called together by Royal Proclamation each year soon after the assembling of Parliament. Formerly it took part in the making of laws for the regulation of Ecclesiastical matters under special licence from the Sovereign, but it now only deliberates and recommends.

The voting in Convocation is conducted and recorded by a prolocutor, elected for the purpose; and in the Convocation of the Province of Canterbury the prolocutor is the means of communication between the Upper and Lower House.

CHAPTER XIV.—LOCAL ADMINISTRATION.

In the preceding chapters we have dealt only with the Imperial administration of the law. In this chapter we purpose reviewing the machinery by which the local affairs of the country are administered.

In the term "Local Governing Bodies" we include all those entrusted with the management of affairs within a limited area; they are very numerous, but the chief of them may be classified under four heads: the Corporations of cities and boroughs; the Commissioners entrusted with the management of affairs in unincorporated towns; the Justices of the Peace, who are similarly authorised in respect of the counties; and the Boards of Guardians and Overseers of the poor, who administer the Poor Law.

THE CITY OF LONDON.

The City of London proper, which does not include the whole of the metropolis, but only such portions of it as were formerly within the City walls, is governed in a manner altogether peculiar to itself. It has numerous charters, conferring upon it privileges in return for signal service done to the State, or in expectation of gaining the goodwill of the citizens. London was prosperous before the time of William I.; the citizens were free men, and enjoyed "all the legal rights and privileges which in that age distinguished men of the first rank;" they were also "governed by their own Magistrates, and amenable only to their own Courts." The Conqueror, anxious to conciliate so powerful a body, lost no time in gaining the citizens to his side; and we read of his granting them a charter, which is still kept among the City Archives in the Guildhall. It consists of a small slip of parchment declaring that the citizens should be held "law worthy as they were in King Edward's days," which, according to high authority, meant that they should be deemed worthy to enjoy all the privileges their laws and customs conferred upon them. His successors gave fresh charters from time to time; King John gave

no less than five; and although attempts have been made to cancel them the citizens have always stoutly resisted, and generally succeeded in retaining their privileges, so that the Government of the City is founded in the present day upon precisely the same leading principles as characterised it in the days of King Alfred.

The governing body of the City is described as the Lord Mayor, Aldermen, and Commons of the City of London in Common Council assembled. There are twenty Aldermen including the Lord Mayor, or one for each ward, and 240 Common-Councilmen, making 266 in all. Aldermen are elected for life, and are by virtue of their office City Magistrates. Only freemen of the City who pay rates to the amount of thirty shilllngs per annum take part in their election, which must be held within fourteen days after a vacancy has occurred. A person elected to the office of Alderman is liable to a fine of £500, if he refuse to serve, but he is excused on his declaring that he is not worth £30,000. Aldermen sit as Justices at the Mansion House with the Lord Mayor, and at Guildhall.

The freemen of each of the twenty-six wards also elect representatives from among their number at periodical ward-motes or ward meetings to serve in the Common Council. The number returned by each ward, which are in some cases divided into precincts for election purposes, varies from 4 to 17, but the number does not now correspond with the wealth or population of the ward. A freeman elected Common Councilman would be subject to fine and disfranchisement if he refused to serve, but as the distinction is much coveted few decline it.

The Lord Mayor of London is elected on the 29th of September in each year from among the Aldermen who have served the office of Sheriff. Two Aldermen are selected by the liverymen of the City—members of one of the City Guilds who are freemen—assembled in Common Hall, and submitted to the Court of Aldermen. The senior of the two is usually selected for the office. If he should refuse to serve he must pay a fine of £1000. Having been elected, he is presented to the Lord Chancellor, who, in behalf of the Sovereign, signifies the Crown's approval of the choice made by

the freemen. On the 9th of November following, the day upon which he enters upon his year of office, he goes in state to Westminster, and is presented by the Recorder to the Barons of the Exchequer, who receive him in their full robes of office, and require from him certain formal undertakings respecting the levying of dues in the City. The Queen's Remembrancer is present on these occasions, and conducts the proceedings. The emoluments of the office of Lord Mayor approach £8,000, but the holder of the office, on account of his sumptuous hospitality, usually spends at least half as much more during his year of office.

The duties of the Lord Mayor are numerous. Besides sitting daily at the Mansion House as Chief Magistrate of the City, he presides over the Courts of Aldermen, Common Council, and Common Hall; he is First Commissioner of the Central Criminal Court, and presides at the Southwark Sessions; he usually presides also at all meetings in the City, and sits as Judge at the Court of Hustings, and other Courts peculiar to the City. On the demise of the Crown he is summoned to the Privy Council, which declares allegiance to the new Sovereign; at the coronation he acts as chief butler, and receives for his fee a gold cup.

To constitute a Court of Common Council there must be not less than forty members present, including, at least, two Aldermen and the Lord Mayor. The Court has unlimited power of applying the revenues of the City, and full legislative authority in all municipal matters, as long as it does not run counter to any Act of Parliament.

The City Chamberlain, who is also elected to the office, acts as the banker of the Corporation and administers its funds.

The two Sheriffs are also elected by the freemen, and are bound to serve, if they have not done so already, on pain of a fine of £400 and 40 marks. The election is held on Midsummer Day. The Sheriffs always attend the Lord Mayor on State occasions, and at every Court of Aldermen; they are the returning officers for the City, and present the petitions of the Corporation to the House of Commons at the bar in person. They see to the execution of the law within the City, and control the City prisons.

Not only are the Justices of the City elected by the freemen, but all the chief officers of justice are appointed, either by the freemen themselves, or their representatives in Common Council assembled. As we have already stated, the Recorder is appointed for life by the Court of Aldermen, subject only to the approval of the Lord Chancellor, in behalf of the Crown. Besides presiding in the City Courts, the Recorder represents the City, when heard by counsel before either House of Parliament. He also furnishes a report to the Privy Council of all persons convicted of capital crimes at the Central Criminal Court, and afterwards attends to take the pleasure of the Crown upon the matters in question. He thereafter makes out the warrants for the execution or reprieve of the criminals.

The Common Serjeant, the Judge of the Sheriff's Court, and Secondaries or Deputies of that Judge, are elected by the Common Council; indeed, no one administers the law in the City of London but those elected by the freemen, or by their representatives, except such of the Judges of the superior Courts as may attend each session of the Central Criminal Court to try the more serious cases. This is a privilege possessed by no other city or borough in the kingdom.

The control of the police, the keeping of the highways, the lighting of the City, its improvement, its bridges, and its markets, are all controlled by the Court of Common Council, who also administer its property, and impose such rates and taxes as are necessary.

The City of London is also divided into ninety-eight parishes, which form the City of London Union, and these parishes elect one hundred and one guardians of the poor.

THE METROPOLIS.

The affairs of the suburbs of the City, in respect of lighting, paving, building, and draining are administered by vestries, elected by the ratepayers of each parish. The number of these vestrymen varies according to the size of the parish; a certain proportion of them retire each year, but are eligible for re-election. They are

elected by the ratepayers, and to facilitate their election the parishes are divided into wards under the Metropolis Local Management Act.

The Metropolitan Board of Works was established for the purpose of carrying on works in which more than one parish is concerned. This Board is composed of representatives from the several vestries, and from the City of London; it superintends the drainage of the entire metropolis, and carries out the larger works for its improvement, or else assists by contributions towards works undertaken by local vestries.

Each of the metropolitan parishes also elect their own guardians of the poor by a perfectly distinct process; but the money for the maintenance of the poor, and the sums required by the Metropolitan Board of Works, as well as the monies expended by the vestries themselves, and by the London School Board, are all raised by the vestries. Each of these bodies make known, at stated times, the amount required by them, and the vestry makes a single demand for the whole.

Guardians of the poor are elected by means of voting papers, which are left at the houses of the ratepayers by the police, and are afterwards collected by them. Vestrymen are elected at a ward meeting, called in accordance with the provisions of the Metropolis Management Act; and those who desire to take part in the election must attend the meeting of the ward, and, if a poll be demanded, must attend at the polling booth and give their votes in person.

The police of the metropolis is managed by a separate Commission, having a chief office in Scotland Yard.

PROVINCIAL CORPORATIONS.

Numerous other cities and towns throughout the kingdom have acquired the dignity of incorporation by Royal Charter, and some of them retain peculiar privileges under those charters to this day. Others have become incorporated, upon the petition of the ratepayers, under the provisions of an Act of Parliament, passed in the year 1835.

The Corporations of provincial towns consist of the Mayor, the Aldermen, and Councillors. One-third of the last who have been longest in office retire annually, but are eligible for re-election. The Councillors elect one-third of their number to be Aldermen during their term of office, and one-half of these Aldermen who have been longest in office retire every three years. The Mayors are elected by the Councillors annually from the whole body. Generally speaking, these bodies appoint and control the local police, appoint the municipal officers, and see to the lighting, paving, and draining of the town. They have powers to make bye-laws, subject to the approval of a Minister of State, for the suppression of nuisances, and to do all things necessary for the public health. They have control of the borough funds, and may apply surpluses to local improvements. Public libraries and museums are usually placed under the control of the Town Councils.

UNINCORPORATED TOWNS.

Towns which are not incorporated are governed in respect of the matters referred to above by Commissioners elected by the ratepayers. The powers of these Commissioners are not as extensive as those possessed by Corporations, and an order made by them is of none effect if the majority of the ratepayers present a remonstrance against it.

THE COUNTIES.

In the counties, the Justices of the Peace appoint and control the county police, maintain the prisons, prosecute supposed offenders, and in most cases keep the highways in repair. The custom by which the Justices, who are appointed by the Crown, levy rates and expend the revenue so raised, forms the single exception to the Constitutional rule that taxation should go hand in hand with representation. The ratepapers have the opportunity of appealing to the Quarter Sessions against errors and inequalities of rating, but have no control over the management and expedition of the county funds. They have the satisfaction of knowing

however that the County Justices are all of them largely interested in the matter.

SPECIAL LOCAL AUTHORITIES.

Other local bodies are constituted from time to time by special Acts of Parliament for the administration of special matters, such as Harbour Commissioners, who, having constructed a harbour, are empowered by statute to levy dues to make good the expenditure.

CHAPTER XV. — A BRIEF SKETCH OF THE GROWTH OF THE CONSTITUTION.

[UPON ALL CONTROVERTED POINTS DEALT WITH IN THIS CHAPTER THE CONCLUSIONS OF HALLAM ARE ADOPTED; AND THE STUDENT WHO DESIRES TO PURSUE THE SUBJECT IS REFERRED TO THE EIGHTH AND NINTH CHAPTERS OF HIS "VIEW OF THE STATE OF EUROPE IN THE MIDDLE AGES," AND TO HIS "CONSTITUTIONAL HISTORY OF ENGLAND."]

Living in a country where the laws are made with the concurrence of the representatives of the people, and administered in open Court with justice and impartiality, we are apt to regard such perfection of freedom as a matter of course, and seldom think of the condition of those in past times, whose industry and perseverence won for us the liberty we enjoy. It is good therefore to follow them in the struggle they engaged in, especially as the incidents of that struggle constitute the most important part of the history of our country, and to some the most interesting.

THE ABORIGINES.

Of the state of the country and its government under its aboriginal inhabitants, we have scarcely any record, and the little we have comes from ancient Greek historians. From them we learn that the people were very rude and little better than barbarians; that they led a pastoral life, supporting themselves by their herds, and clothing themselves in the skins of animals; that for purposes of defence they formed themselves into petty States, under separate chieftains; and that having few roads, and those bad ones, the people of one State knew little of those in another. Still, means of intercommunication did exist, and they were used not only for the purposes of repelling invasion, but for trade.

Strabo and Herodotus tell us that the Phœnician merchants found their way here long before the Romans, as early, indeed, as 450 B.C., and laid the foundation of our great commercial prosperity.

Strabo gives an account of the Phœnicians having discovered a group of ten islands, supposed to be the Scilly Isles, and perhaps Cornwall, near to each other to the north of Cape Finisterre, one of which they reported uninhabited, and on the others they found people wearing black clothing tied round the chest and coming down to the feet. - "They go about with sticks in their hands," says the ancient historian, "and with beards as long as that of a goat. They live mainly on their flocks in nomadic fashion. They have mines of tin and lead, which, with skins, they give in exchange for earthenware, salt, and copper vessels to the foreign merchants. In former times the Phœnicians alone used to make this voyage from Cadiz, and kept it a secret from all the world. The Romans, however, after repeated efforts, became acquainted with the route, and P. Crassus having crossed over to the islands, found that the mines," which were then the chief source of attraction, "were worked at a very small depth, and that the inhabitants were peaceably disposed." Great Britain was in those days known as the Cassiterides, or Tin Islands.

But Julius Cæsar is the first historian who gives anything like an authentic account of the state of the country, previous to his invasion of Britain, 55 B.C. Strabo's account refers, of course, to a much earlier period, when the Phœnicians were the only maritime power in the world. Cæsar tells us that "the inland part of Britain was inhabited by those who, according to the existing tradition, were the Aborigines of the island; the sea coast by those who, for the sake of plunder, or in order to make war, had crossed over from among the Belgæ, and in almost every case retained the name of their native State, from which they emigrated to this island, in which they made war, and settled, and began to till the land. The population was very great, and the buildings, very numerous, closely resembling those of the Gauls; the quantity of cattle was considerable. For money they used copper, or rings of iron of a certain weight." Cæsar continues by giving a geographical description of the island; it seems, however, to have been made from imperfect observation, and is inaccurate in several particulars. The inland people still appeared at this period to live a pastoral

life, as in the time Strabo refers to. They did not sow corn, but lived on milk and flesh, and had clothing of skins.

Of their polity, which is a matter more pertinent to our subject than their habits of life, Cæsar tells us the people were wholly subservient to the Druids in civil and religious matters. They determined most disputes, whether between individuals or concerning affairs of State. "If any crime has been committed," he adds, "if a man has been slain; if there is a contest concerning an inheritance, or the boundaries of their lands, it is the Druids who settle the matter. They fix the rewards and punishments. If any one, whether in an individual or public capacity, refuses to abide by their sentence, they forbid him to come to the sacrifices, and this punishment is among them very severe. Those on whom the interdict is laid are accounted among the unholy and accursed; all fly from them, shun their approach and conversation, lest they should be injured by their very touch; they are placed out of the pale of the law, and excluded from all offices of honour."

The power possessed by the Druids, their exemption from military service and all other public burdens, drew young men to their order, anxious to be trained up among them. Their influence was thus maintained despite the cruelty of their customs; and the terror they inspired by their superstitious rites caused them to become the actual rulers of the people. Their power, however, did not survive the Roman Conquest, and they were utterly exterminated by the Roman Governor, Suetonius Paulinus, A.D. 61.

UNDER THE ROMAN EMPIRE.

The Romans having secured a footing in the country before the close of the first century, managed very speedily to obtain complete ascendency over the people by measures of repression and instruction. They made good roads, embanked the rivers, taught the people agriculture, and instructed them in mechanical arts. One of their principal existing works is the embankment of the Thames between Rotherhithe and Gravesend, which to this day prevents the flooding of the south-eastern suburbs of London.

For purposes of control, they divided the country into five

portions, and placed a Roman of high position at the head of each. Over these was a Supreme Governor. The sites of the principal towns built by the Romans were chosen for military reasons; the subordinate Governors with detachments of the Roman army lived in them, and their presence kept the people of the surrounding districts in subjection. The Government was, therefore, at first altogether despo... but while taxes were levied and payment enforced by right of conquest, the people made rapid progress under the tuition of the Romans in arts and commerce. The towns, which were at first built and fortified to serve as military depôts, soon became the great markets; their inhabitants received municipal institutions similar to those with which the conquered people of Gaul and Spain were endowed by the Romans, and there is good reason to believe that some of the Romanised Britons were allowed to fill subordinate positions in the administration of the municipalities. It has also been ascertained that the inhabitants of these principal towns enjoyed the rights of Roman citizens, chose their own magistrates, and ultimately enacted their own laws. The Romans continued to hold possession of the country more or less completely for nearly 400 years ending with A.D. 426; and it is presumed they valued their conquest, for during this period three of the Roman Emperors visited the island, and two of them, Severus and Constantius, died at York.

To the Romans we owe the first elements of our constitution, our first steps in arts and manufactures, perhaps our religion, and certainly our letters. The Druids, who, when they wrote, used the Greek character, according to Cæsar, never committed their instructions to paper, but preferred to pass their traditions from one to another on the plea that to record by the pen would tend to make the students less careful to cultivate the memory. Their real reason however seems to have been their anxiety lest their knowledge should become common. The Romans, of course, retained their own language and used it in the administration of public affairs. It is impossible to say to what extent they supplanted the aboriginal tongue, but it is clear they and their successors, the Angles and Saxons, drove it westward until it became ultimately restricted to

Wales in one form, to Scotland in another, and to Ireland in another.

THE ANGLO-SAXON PERIOD.

Little progress seems to have been made by the people during the century following the withdrawal of the Romans. They were chiefly engaged in unsuccessful attempts to repel invaders. First came the Jutes from Jutland, to be followed in the latter half of the fifth century by numbers of Saxon settlers. Then came, in 527, the Angles from Schleswig and Holstein; and during the next three hundred years repeated settlements were made by the Angles on the eastern and southern coasts. They formed the principal foreign inhabitants of the kingdom of Wessex, under King Egbert, who is also commonly called the First King of England; and, although it cannot be said that Egbert was the King of all England, yet he unquestionably laid the foundation of what afterwards became the English monarchy when the seven kingdoms were united under him in the year 828.

During this period of chronic disturbance, although the people did not continue to advance in the cultivation of civilising arts with the same rapidity as they did under the Romans, yet they gained something in independence, and consequently in strength. The growth of the country under the Romans had been a growth of roads, canals, bridges, and buildings; when the Romans left, the controlling mind was gone, and the material country was in advance of its people. The period immediately succeeding the retirement of the Romans, therefore, was a period of retrogression; the period next succeeding was a period of solid progress. The Britons under the rule of the Romans resembled children who acquire knowledge through fear of their schoolmaster. Restive and fractious under discipline, their lesson is a task and they learn as parrots; when turned upon the world they discover the value of knowledge and learn to apply it in the scramble for subsistence.

The records of Anglo-Saxon times, between 429 and 1066, tell us that the people were divided into the Earls or nobles, the thanes or landowners, the ceorls or yeomen, and the serfs. An idea will

be gained of the relative position of the people by the price at which their lives were valued, for murder in the days of the Saxons might be compensated by a money payment. Some of the thanes were called King's thanes, whose lives were valued at twelve hundred shillings; the lives of other thanes were valued at six hundred shillings. The life of the ceorl was valued at two hundred shillings, and these were the sums awarded to their relatives in case of their meeting death by the hand of another.

The thanes were the landowners or gentry; the ceorls were generally their tenants and the cultivators of their land. The ceorls, however, were capable of acquiring property, and if, by thrift, they succeeded in obtaining possession of any, they enjoyed the privileges ownership of land conferred. When a ceorl became owner of five hydes of land (or about 600 acres), with a church and mansion of his own, he was entitled to the name and rights of a thane. The ceorls who acquired property, and thus became tillers of their own freeholds, are supposed to be the origin of the English yeomanry, who, in later years, played an important part in moulding our Constitution, and have always been held in high estimation on account of their independence.

The serfs, it is supposed, were composed of the natives of Briton, who had survived the conquest of their country; but it is held by high authorities that, although they were reduced to a condition in the social scale below that of the meanest of their conquerors, yet they were not left altogether without civil rights. A sum was fixed as compensation for their lives; they were able to hold property and to achieve the dignity of a thane.

The Wittenagemote, or assembly of the wise men, by whose advice and concurrence the Anglo-Saxon Kings made laws and imposed taxes, was composed of the Earls or Aldermen of the counties, and the prelates and abbots. It is believed the lesser thanes were excluded from the Wittenagemote; but that the King's thanes had some part in it. To what extent, and at what period they joined with the nobles and clergy in the council of the King is uncertain, but when so sitting, they resembled both of our Houses of Parliament assembled together. The ceorls were altogether excluded

from a share in making the laws, and had to show themselves worthy of taking part in the Government of the country. The serfs had a still harder task. They had first to gain their personal freedom, and afterwards their political enfranchisement. The process, however, was very simple; they first acquired knowledge, and as knowledge made them worth more to their lords than when ignorant, they became less dependent. With an increase of knowledge, they ultimately gained complete independence; the more intelligent of them became owners of property themselves, and thus qualified by intelligence and wealth, they had a greater or less share of political power. This has been the uniform course of the growth of our Constitution. The people have obtained just such a share in the Legislature as their intelligence justified.

The country was divided into counties as at present, each of which was subject under the King to an Alderman or Earl, and these were subdivided into hundreds and tithings, the last being a union of ten families, every member of which was responsible for the appearance of anyone of the rest who might be charged with an offence. If one of the ten committed any fault, the nine were required to produce him, that he might be compelled to make reparation, either by a money payment or by undergoing punishment. If he should escape, the nine had to prove they had no part in his crime or flight; and, failing this proof, they were held liable to make good the reparation required by law, if the criminal's property did not suffice. Every freeholder above the age of twelve was required to be enrolled in some tithing.

This system of police was called frank-pledge. It proceeded upon the maxim that a man's good reputation among his neighbours formed the best guarantee of his obedience to the Government; it cultivated respect for the law, gave a high value to good character, and created a healthy public opinion. In time, the system was extended to the whole county, and was used to prevent the peasants from leaving their homes to join lawless bands. It was the law of the land that no man could leave the shire to which he belonged without the permission of its Alderman, nor could any be without a lord. If a man desired to leave the lord

under whom he lived, he might do so on condition that he engaged himself to another; but, if he failed to fulfil this condition, his kindred were bound to present him in the County Court and name a lord for him. If this were not done the man might be seized as a robber by any who met him, and treated accordingly. A man was not only answerable for his neighbour, but also for a stranger if he entertained him as a guest for more than two nights. This custom of holding every member of a tithing answerable for the appearance of all the rest, was not fully established until the reign of Canute.

The trial of criminal and civil actions, whether against thanes or ceorls, were conducted in the Shirgemote or County Court, before the Earl and the thanes. The origin of trial by jury in England has been referred to this period, and the authorship of the custom assigned to King Alfred; but there does not appear to be sufficient warrant for this, although it is generally allowed that the customs out of which trial by jury grew prevailed in this period. Among them we may include the right of the thanes to be tried by their peers in their own County Courts.

The ordinary modes of trying accused persons were founded on the most ridiculous superstition. The commonest methods were trial by compurgation, or wage of law, and by ordeal, or judgment of God. If the accused could secure a sufficient number of compurgators or fellow-swearers to take oath that they believed him innocent, he was acquitted. If trial by ordeal was chosen, the accused might be tried by fire or water. If by fire, he would be required to carry a red hot bar of iron a certain distance, or to walk blindfold upon red hot ploughshares; his guilt was held proven if he were burnt. If by water the accused had to plunge his arm into boiling water, or was cast, bound, into a river or pond; if he passed the former ordeal harmless, or sank in the latter, he was held innocent.

It is a matter of common knowledge with us that a man who has prepared his hand for the feat by a chemical process could not only handle a bar of red hot iron with impunity, but bathe it in molten lead; and it is believed the same knowledge was possessed by

those who conducted these trials. The wealth of the accused, therefore, and his disposition to fee the judge, decided the case.

Being unable to read or write, and possessing scarcely any knowledge beyond that of husbandry and the use of weapons of war, it cannot be held that the common people of the land in these times were fit to take part in the making of laws. Even if they had possessed anything beyond their labour requiring the protection of the State, they did not have the knowledge necessary to enable them to discriminate between good and bad measures. This is sufficiently proved by their superstitious belief in the trial by ordeal. We cannot, therefore, blame those who withheld political power from them, because it is a mistake to suppose that any person, simply because he is a man, is fit to form an opinion upon affairs of State, or even to express an opinion as to who is fit. Much study and experience is necessary for the purpose; even the wisest statesmen sometimes commit errors of judgment, and it cannot but happen that those who are quite ignorantof statesmanship should similarly fail. It would be as wise to entrust the navigation of a vessel to a man who had never seen the sea, or heard of a ship, as to give an utterly ignorant person power to influence the Government of the State.

Still, as will have been seen, the Constitution of the country was not an unlimited Monarchy, even at this early period of our history. The true heir to a deceased King was often set aside, and in all cases the succession to the Throne was settled by the Wittenagemote, without whose consent the King had no power to make laws or treaties, to issue edicts, or levy taxes. There were besides parties constitutionally opposed to the King in the person of the clergy and the nobles, whose desires were sometimes at variance with his, and as the more worthy of the Commons sought to obtain a share in the control of affairs, the King, at one time, and the nobles at another, sought to win their favour by offering or conferring privileges.

THE NORMAN ERA.

The usurpation of the Throne of England by William I. forms an

important epoch in the constitutional history of England. Then, for the first time in England, did the King claim possession of the land as Sovereign Lord, as well as Kingship of the people.

The claim of William I. to the Throne was based on the plea that the kingdom had been bequeathed to him by Edward the Confessor. Inasmuch as Harold, whom he defeated at the battle of Hastings, was himself a usurper, it is contended that William was not a conqueror, in the ordinary sense of the word, and according to Lord Selwin, our judges formerly corrected any gentlemen at the bar who chanced to say William the Conqueror, instead of William I. Certainly, the process of conquering the country commenced after the death of Harold, and the coronation of William. It was a difficult task, and the measures adopted for its performance form a strange compound of conciliation and oppression. The new King first took an oath to observe the laws and customs of the realm, and then rewarded his nobles by grants of land. Resistance was followed by a merciless crusade against the English, who were dispossessed of their estates, and of all offices in Church and State, and for a hundred years were reduced to the condition of a conquered people. "This exclusion of the English from political privileges," says Hallam, "was accompanied with such a confiscation of property as never, perhaps, has proceeded from any Government, not avowedly founding its title upon the sword. In twenty years from the accession of William, almost the whole soil of England had been divided among foreigners. Of the native proprietors many had perished in the scenes of rapine and tyranny which attended this convulsion; many were fallen into the utmost poverty; and not a few, certainly, still held their lands as vassals of Norman lords. Several English nobles, desperate of the fortunes of the country, sought refuge in the court of Constantinople, and approved their valour in the wars of Alexius against another Norman conqueror scarcely less celebrated than their own, Robert Guiscard. Under the name of Varangians, those true and faithful supporters of the struggling Byzantine empire preserved to its dissolution their ancient Saxon idiom."

The subjugation of the people was followed by the introduction

of the feudal system in a modified form. William, claiming to be absolute Lord of the soil, exacted suit and service from his Barons, among whom he apportioned the land, and the Barons, in their turn, enacted suit and service from the common people, to whom they underlet the land. This suit and service consisted of the supply of men and money to the King in time of war.

As the Barons held the land of the King by virtue of service, and as the cultivators of the soil held their smaller divisions of land by virtue of a like service to the Barons, the whole country was kept in subjection by a unity of interest on the part of the Barons and the King, a thoroughly well defined system of government was established, and although much heartburning arose among the Anglo-Saxons at the oppressive measures adopted by William, yet the country was systematically united as it had never been before. But, although at first the controlling power was strong, a few years sufficed to produce diversity of interests among the Barons, and circumstances soon arose which led them to place themselves in opposition to the King. Having complete control over the many vassals in their barony, they became formidable opponents to William, who deemed it advisable, as a measure of protection, to conciliate the English. He did so by conferring upon them some of their old privileges, and thus he deprived the Barons of their exclusive influence over the people resident within their baronies.

In this way a Baron, although a powerful support to the King while he remained faithful to him, ceased to be as powerful when he turned against the King, because he was not as sure of carrying his vassals with him as formerly. So the system of control was maintained, while the disposition of the Barons to revolt was checked.

The custom of summoning the nobles to the great Council, as in the Anglo-Saxon times was still maintained, and the methods of administering the law and settling disputes which had grown up previous to the accession of William, were continued in theory and ultimately survived in practice. But for many years justice was notoriously withheld from the people, and only those who could pay heavy fines to the judges and even to the King could get their suits heard.

Fines were received to secure the King's help against an opponent, "that is for perversion of justice or for delay. Sometimes they were paid by opposite parties, and, of course, for opposite ends." So common was the system, that these were called counter-fines, and the money was in some cases returned to the unsuccessful suitor.

Besides this denial of justice, taxes were imposed by the mere caprice of the King; nor were the Barons behind hand in exaction from those under their jurisdiction. As matter of right, a lord could claim aid of his vassal under the feudal custom when his eldest son became a knight, when he married his eldest daughter, and for the purpose of ransoming him if made captive. But the demands upon the people were not restricted to such occasions; and, inasmuch as Parliament was composed exclusively of Norman Barons and Ecclesiastics, it is not surprising no remonstrance was made there in behalf of the people in the earlier days of the Norman rule.

Continued oppression and exactions, however, coupled with denial of justice, caused discontent even among the poorer Normans, who joined in the cry of their Anglo-Saxon countrymen for a return to the laws of Edward the Confessor. The more wealthy thanes were expatriated, and their estates confiscated early in the struggle. Some of the lesser thanes remained, with the ceorls, freeholders as well as tenants. Probably they were not deemed sufficiently dangerous in the early days of the Norman rule to need the severe treatment accorded to their wealthier countrymen, or else the meanness of their estates did not excite the covetousness of the Barons. They were left on their land, subject it is true to their lords, but still in a position to increase in wealth and independence. Large numbers of these smaller freeholders must have been scattered through the country at the commencement of the twelfth century, and their complaints cannot have been without effect. It is supposed that they were the primary cause of the charters granted by Henry I., which relieved the people of certain feudal burdens. Stephen also gave a charter, confirming that of his predecessor and conceding the laws of Edward the Confessor.

The Barons for the first time assumed a constitutional position as guardians of the State in the reign of Richard I. The King, on leaving for the Crusades, commissioned his chancellor, William Longchamp, joint regent and justiciary, with the Bishop of Durham, but Longchamp, by excluding his co-adjutor from any share in the administration, provoked the nobles, who, with John, afterwards King John, at their head, removed him from his office, and passed upon him sentence of banishment. "Though there might be reason to conceive," says Hallam, "that this would not be unpleasing to the King, who was already apprised how much Longchamp had abused his trust, it was a remarkable assumption of power by that assembly, and the earliest authority for a leading principle of our constitution, the responsibility of ministers to Parliament."

In the course of the next reign, that of King John himself, occurred one of the most important events in our history: the granting of the Great Charter of Liberties. It is singular that John, who led the Barons in their first protest against the abuse of royal authority, should himself have been the subject of the first protest on the part of the Barons against the King himself. So famous is this event that King John is scarcely remembered on account of anything other than the triumph of his Barons and his tyrannous exactions which led to it. The leaders in this great constitutional victory were Stephen Langton, Archbishop of Canterbury, and William, Earl of Pembroke, of whose work it has been said that if every law passed since the passing of the great Charter were swept away, there would still remain the bold features that distinguish a free from a despotic monarchy.

Magna Charta limited the sums to be paid by vassals to their lords, and enacted that justice should neither be sold, denied, nor delayed, and that none should be imprisoned or exiled, but by the lawful judgment of his peers. Other clauses prescribed that chattels necessary to a man's station, such as the arms of a gentleman, the merchandise of a trader, and the plough of a peasant, should be exempt from seizure. A further provision was made that no aid should be exacted from the people except in the three

cases referred to as coming within the feudal custom, without the consent of Parliament. "From this era," says Hallam, "a new soul was infused into the people of England. Her liberties, at the best long in abeyance, became a tangible possession, and those indefinite aspirations for the laws of Edward the Confessor were changed into a steady regard for the Great Charter."

In the succeeding reign of Henry III., indications are to be found of a more distinct control being exercised by Parliament over the expenditure of State monies. The extravagance of the King obliged him to make frequent applications for subsidies, but these were seldom granted except upon a confirmation of the Great Charter, and in this is to be found the origin of the close connection between supply and redress of grievances existing at the present day.

The Barons in several cases refused the aids altogether. In the year 1237, the King asked for aid, alleging he had been at much expense in connection with his sister's marriage, and also with his own. The Barons answered that he had not taken their advice in those affairs, and that they did not think themselves bound to share in the punishment of acts of imprudence they had not committed. In another case, instead of making the grant to the King, the Barons commissioned four of their number to expend it at their direction for the benefit of the King and kingdom. This is the first instance of national funds being expended by persons other than those of the King's choosing.

REPRESENTATION OF THE COMMONS.

It is during this reign, too, that we discover the first indication of the Commons being represented in Parliament by their elected deputies. There is some reason to suppose that representatives of the Commons were summoned to Parliament as early as the fifteenth year of the reign of John, but it is not at all certain that they were elected, and it is more probable they were nominated by the Sheriff, in response to the command of the King. In the year 1264, however, when Henry III. was held prisoner, after the battle of Lewes, by Simon de Montfort, Earl of Leicester, and brother-in-law of the King, writs, bearing date the 12th December,

were issued by de Montfort, directing the Sheriffs, in the King's name, to return two knights for their county and two burgesses for every city and borough contained in it. This is always regarded as the foundation of the House of Commons, for by whatever means the knights and burgesses were elected, however restricted the constituency which returned them, and whatever the motives of Simon de Montfort in calling them together, the principle of the representation of the Commons was, for the first time, distinctly established and applied throughout the kingdom.

The Commons, however, were not represented in the Parliaments immediately succeeding this epoch, and some years elapsed before a complete representation of the counties and cities was summoned by the King. It is interesting to notice that the Scotch are supposed to have been before the English in this matter, for it is stated "that as early as 1211, the burgesses (in Scotland) gave suit and presence in the great council of the King's vassals."

INCREASING INFLUENCE OF THE COMMONS.

In the meantime, the trading classes were gradually increasing in wealth and importance, but the heavy levies made upon the merchants by the Government seriously crippled commerce, and it is difficult to conceive by what means the trade of the country survived the exactions to which it was subjected by the earlier Kings. When the King and his councillors, however, discovered what riches commerce brought to the country, it was but natural they should desire to extend it, if for no other motive than the hope of profit to themselves. The consequence was that when money was wanted by the King, supplies were granted to him on condition that certain grievances were redressed or certain privileges conceded. London was always foremost in obtaining such privileges. The citizens were exceptionally numerous and wealthy, and their power of contributing to the necessities of their King was correspondingly great; they, therefore, seldom found money without obtaining in exchange some new charter conferring special privileges; and the various guilds of the city procured incorporation by the same process.

These guilds, which in after years were a common institution, took their rise in a custom of the Saxons. Persons having a common interest associated themselves together for the purpose of defending that interest, or for the relief of individual members in case of poverty. They were styled guilds from the Saxon word *gildan*, to pay or contribute, and though originally designed only for mutual insurance, in time became societies for the encouragement of particular branches of trade and manufactures. In smaller towns, distinguished by no special trade, the guild was composed of merchants generally; but whether consisting of followers of one trade, or of more than one, the step from the management of a voluntary guild to the self-government of the town was natural and easy.

In the meantime, also, the administration of justice was being reformed, both in system and practice. Trials by ordeal ceased about the commencement of the reign of Henry III., and the study of the law became a profession engaged in by learned men, who pleaded for suitors in the King's Courts. The nature, powers, and growth of these Courts are described in the opening of the chapter on the Administration of Justice, and need not be repeated here.

Edward I. seems to have been the first King who resorted to the practice of making application to the people in a constitutional manner for supplies, and for this purpose admitted the representatives of the Commons to the Parliament. The new plan proved to be far more productive than the old system of tallages. Various reasons have been assigned for this. The gratification of the Commons at being admitted to a share of the Government, fear that the King would take what he required by force if it were denied him, or the venality of those who led the representatives of the Commons, have each been assigned, but the probability is that the tax being levied in a regular manner all over the kingdom, it fell lightly upon the individual citizens, and yet yielded more largely than when levied irregularly.

This step towards the enfranchisement of the Commons was soon followed by another of still greater significance. The Commons

were, in the first instance, called together simply that subsidies might be granted to the Crown, and it was apparently not intended that they should take part in any other affairs of State. The Barons and clergy voted their supplies according to a scale which they varied from time to time; and the Commons in like manner voted theirs. It does not appear that the two bodies either sat together, or that the proceedings of the one had at first any relation to the proceedings of the other. The Commons, however, were not long in taking advantage of their being assembled together to consult as to their condition, and see in what way they could improve it. Accordingly, although they voted money without much remonstrance during the reign of Edward I., his son was attacked by them systematically. In the second year of the reign of Edward II., that is, in the year 1309, money was voted on "condition that the King should take advice and grant redress upon certain articles wherein they are aggrieved." "The good people of the kingdom," says the remonstrance, "who are come hither to Parliament, pray our Lord the King that he will, if it please him, have regard to his poor subjects, who are much aggrieved by reason that they are not governed as they should be; especially as to the articles of the Great Charter; and for this, if it please him, they pray remedy. Besides which they pray their Lord the King to hear what has long aggrieved his people, and still does so from day to day, on the part of those who call themselves his officers, and to amend it, if he pleases." The grievances enumerated were: that the King's purveyors seize great quantities of victuals without payment; that new customs are set on wine, cloth, and other imports; that the current coin is not as good as formerly; that the steward and marshal enlarge their jurisdiction beyond measure to the oppression of the people; that the Commons find none to receive petitions addressed to the Council; that the collectors of the King's dues in towns and at fairs take more than is lawful; that men are delayed in their civil suits by writs of protection; that felons escape punishment by procuring charters of pardon; that the constables of the King's castles take cognizance of common pleas; and that the King's escheators oust

men of lands held by good title, under a pretence of an inquest of their office. These grievances the King promised to redress, except in regard to the augmented customs on imports, respecting which he gave a conditional promise. They, however, do not appear to have been redressed, for they are repeated in subsequent petitions, coupled with complaints of tallages being exacted, without the consent of Parliament, and of arbitrary imprisonment, contrary to the law. Remonstrances were continued from time to time, with more or less effect, and in the succeeding reign of Edward III., three essential principles, which now regulate our present Government, became established: the illegality of raising money, without consent; the necessity that the Commons, as well as the Lords, should concur in any alteration of the law; and the right of the Commons to inquire into public abuses, and to impeach the King's councillors.

During the minority of Richard II., still greater powers were assumed by the Parliament. Nine persons, consisting of "three Bishops, two Earls, two Bannerets, and two Bachelors," were appointed by the Lords, at the request of the Commons, to be a permanent Council about the King, who was also induced to consent to a proposal that his chief officers should be appointed by Parliament. After a determined stand had been made by the Commons, the King also conceded the right to know how the money granted had been spent. The first commissioners for this purpose were two eminent London citizens, named Walworth and Philpot; and in 1379 the Commons were informed, upon their assembling, that the treasurers were ready to exhibit their accounts before them. This was done without any request on their part, and was prompted by the great need of money to carry on the war with France, commenced by Edward III.

The fact that the King was a minor was peculiarly favourable to the attempts of the Commons to add to their powers. There is no doubt that great advances were made by them during this period, and still more was done to consolidate the powers they had acquired in former years. It was now the turn of the labouring population to declare themselves. Their proceedings, however, were violent

and impolitic. The imposition of the poll tax in the year 1380 gave rise to what is known as the Wat Tyler rebellion, when the villeins of Essex, Kent, Suffolk, and Norfolk, rose in arms against the Government, and demanded a redress of grievances. It seems that the condition of servitude in which some of the people were still living was felt by them to be a grievous hardship, and when a few desperate men proposed a rising, they were not long in procuring followers. The rebellion, however, was not successful. Wat Tyler was killed by Sir William Walworth, Mayor of London, as he approached the young King in Smithfield, and his abettors, to the number of 1,500 men, were afterwards executed.

The Commons, who were composed of the more wealthy middle class, made this insurrection a ground for demanding still further reforms. They boldly asserted that the rising was owing to the burdens thrown upon the people by a prodigal Court, and they expressed the opinion, "after full deliberation, that unless the administration of the kingdom were speedily reformed, the kingdom itself would be utterly lost and ruined for ever." They complained of defects in the administration, as well about the King's person and his household as in his Courts of Justice, and of being pillaged and ruined, partly by the King's purveyors taking goods for which they paid nothing, and partly by the subsidies raised from them. They continued their petition by praying that all the bad practices which had led to the late rising might be discontinued, or else none could imagine that the kingdom would any longer subsist without greater misfortune than it had ever endured.

The Commons persevered in this bold spirit for some years, even to successfully demanding the dismissal of Lord Chancellor Pole, but they failed to pursue the same course when the King had arrived at his majority. Richard then became imperious, would brook no restraint, and complaints on the part of the Commons that his household was managed improvidently were met by him with expressions of great indignation. The Commons immediately retreated from their position, begged pardon, and at the demand of the King discovered to him the name of the proposer of the bill of complaint. This was one Thomas Haxey, who was condemned

to death as a traitor in consequence, but the sentence was respited at the instance of the Archbishop of Canterbury. The whole course of Parliament during the remainder of this reign was vacillating; but a determination to control the public expenditure was apparent in the succeeding reign of Henry IV., when fresh claims were preferred, and in the reign of Henry V. Parliament began even to assert its right to privileges.

As it was not contemplated by King Edward I. and his immediate successors that the Commons should do anything more upon being assembled than agree what subsidy they would grant, their only concern was to get together representatives from as many towns as possible. The demands on the part of the Commons for the redress of grievances was an unforeseen incident of their coming together, and, if foreseen, was a consideration of small moment, when compared with the necessities of the Monarch who summoned them to his assistance. No settled rule was established as to which towns should send members, and which should go unrepresented; there was, consequently, great irregularity in the mode of summoning, the method of return, and the number ultimately assembled. Improper returns were often made by the Sheriffs, who sometimes omitted to send the writs to towns from which burgesses should have been returned, but what is more remarkable, the towns, themselves, in some cases, took no notice of the writs, and declined to send representatives. Some seemed to regard the franchise as a hardship; and towns of importance petitioned for exemption from the duty of sending burgesses to Parliament, because representation entailed expense upon the town, for in these days the members were paid.

This indisposition, however, to exercise the parliamentary franchise did not long continue in any case, and towns seem to have been unrepresented more through the errors of the Sheriffs than from their own unwillingness to send burgesses. It is not by any means certain that these errors were the result merely of negligence. Edward II. acquired the power of nominating the Sheriffs, who in former times had been elected, and it is presumed he took care to appoint obedient subjects to the office, in the hope

that they would return equally obedient burgesses to the Parliament. And as the writs to the Sheriff did not specify the towns whence members were to be returned, but required him merely to send up representatives from all the cities and boroughs in his county, it was comparatively easy for him to omit any town whose former representatives had made themselves obnoxious to himself or the Sovereign.

A similar absence of rule is noticeable in the early composition of the House of Lords. Commoners of distinction were often summoned to one Parliament and omitted from the next. The names of such Commoners appear upon the rolls of Parliament without any Baronial title, yet it appears they voted and took part in the work of legislation.

The knights, citizens, and burgesses representing the Commons at first had no legislative powers; they simply voted money to the King, and gave advice to the Lords touching measures relating to trade and shipping. When the consent of the Commons was first deemed necessary to a change in the law, cannot be very certainly determined. At first they simply gave advice when the King's councillors sought it; next they petitioned for such amendment of the law as they thought necessary; then their petitions gradually assumed the form of bills, which being agreed to among themselves, were afterwards submitted to the Lords that they might be pressed upon the attention of the King. From these practices the transition to our present method of Parliamentary procedure was natural, if, indeed, the two are not identical in principle. The practice of the King applying to the Commons for subsidies, and his councillors asking the Commons for advice concerning measures affecting their interests and the trade of the country, corresponds very closely with the present custom of Ministers applying to the Commons for supply, and of the Lords sending Bills to the Commons for their consideration.

Throughout the struggle, up to the time of Henry VIII., the Commons were largely indebted to the Lords. It is not unusual to charge the Barons with selfish motives in all they did for the liberty of the subject, and to allege that the fact of the Commons

having benefited by their curtailment of the King's power was nothing more than an accident, especially in respect of their demands upon King John. To do so, however, is uncharitable and ungracious. The Commons, no doubt, were very bold at times in stating their grievances, and drove hard bargains with the King. As Hallam says, "The sale of redress was chaffered for as distinctly, and with as little apparent sense of disgrace, as the most legitimate business between two merchants would be transacted." But, except in times of the King's need, the Commons, in the earlier days of their being assembled together were far from firm when the Lords were winning for them substantial reforms. Few things are done in this world from motives altogether pure and unselfish, and if the desire to relieve themselves from excessive burdens had something to do with the zeal of the Lords, it cannot be supposed they were all of them devoid of concern for the Commonwealth, and utterly regardless of the interests of those below them in station.

The interests of the Lords and the Commons were to a great extent identical, and, perhaps, a just appreciation of this fact led to their united action, and prevented any very strong opposition on the part of the Lords to the Commons acquiring a share in the actual making of the laws. The absence in England of anything corresponding with the class privileges of the nobility prevailing on the Continent was another great cause of the unity of purpose between the Lords and Commons in relation to their Kings. The Lords of Parliament, it is true, were endowed with privileges, but the Peers were few in number; they were subject to the laws which governed the rest of their countrymen, and, contrary to the custom which prevailed in France, all freemen below the rank of Peers, including the near relatives of Peers, were in a position of perfect equality.

But, whatever the cause, we may regard with complacency the fact that steady progress was made from the time of King John to the days of the Stuarts towards a complete emancipation of the Commons, and we must not inquire too closely into the motives of those who engaged in the work, hampered as they were by personal feuds, the concerns of foreign wars, and the distracting

influences of civil strife. The marvellous and brilliant character of that progress is well described by Hallam, who shows us how, through the twilight of our Anglo-Saxon records, a form of civil polity was established by our ancestors, "marked, like the kindred Governments of the Continent, with aboriginal Teutonic features; barbarous indeed, and insufficient for the great ends of society, but capable and worthy of the improvement it has received, because actuated by a sound and vital spirit, the love of freedom and of justice. From these principles arose that venerable institution, which none but a free and simple people could have conceived, trial by peers; an institution common in some degree to other nations, but which, more widely extended, more strictly retained, and better modified among ourselves, has become perhaps the first, certainly among the first, of our securities against arbitrary government. We have seen a foreign conqueror and his descendants trample almost alike upon the prostrate nation and upon those who had been companions of their victory, introduce the servitudes of feudal law with more than their usual rigour, and establish a large revenue by continual precedents upon a system of universal and prescriptive extortion. But the Norman and English race, each unfit to endure oppression, forgetting their animosities in a common interest, enforce by arms the concession of a great charter of liberties. Privileges, wrested from one faithless monarch, are preserved with continual vigilance against the machinations of another; the rights of the people become more precise, and their spirit more magnanimous during the long reign of Henry III. With greater ambition and greater abilities than his father, Edward I. attempts in vain to govern in an arbitrary manner, and has the mortification of seeing his prerogative fettered by still more important limitations. The great council of the nation is opened to the representatives of the Commons. They proceed by slow and cautious steps to remonstrate against public grievances, to check the abuses of administration, and sometimes to chastise public delinquency in the officers of the Crown. A number of remedial provisions are added to the statutes; every Englishman learns to remember that he is the

citizen of a free state, and to claim the common law as his birthright, even though the violence of power should interrupt its enjoyment."

FRESH ABUSES OF THE ROYAL PREROGATIVE.

But throughout this struggle on the part of the Commons for simple justice, their successes were continually being counterbalanced by fresh encroachments on the part of the Kings, and by novel expedients for nullifying what had before been granted. The King asked for aids; the Commons replied that the Court was too extravagant, and, consequently, declined to grant them. The King replied that he required money for the necessities of the State, which was as much an affair of the Commons as his, since he wanted to build ships and pay his soldiers, with a view to protect the country from invasion. The Commons then granted aids sufficient for the purposes of the State, but refused to do more. The King, thereupon, spent the money partly for the purposes of the State, and partly in maintaining his Court; he then allowed himself to get into debt. The Commons refused to supply more money, and as the time had come when the King began to fear to levy taxes without the consent of the Commons, recourse was had to a convenient custom of the Anglo-Saxon Kings, who, instead of imposing taxes, in some cases received "benevolences," which were supposed to be free gifts on the part of those who paid them, but were actually forced loans. Edward IV. was the first who revived this method of raising money, and his successors continued the practice from time to time, until as late as the reign of Charles I.

This custom, however, led to still greater injustice than the levying of tallages, because large sums were taken in this form from individuals. Tallages being in the nature of a general tax, levied on a particular town or district, the whole of those living in that district felt the injustice, and joined in remonstrance against it, but benevolences being exacted from one here and another there, and, perhaps, from persons who were neither influential nor popular, the misfortune of the few did not at first excite the

indignation of the many, and the King was consequently able to raise money in this way with comparative impunity.

But, encouraged by success, the practice was pushed too far, and gave rise to opposition which could not be resisted. Henry VIII. satisfied his love of magnificence by the expenditure of vast sums which were raised in this manner, but did not have recourse to benevolences until an application to Parliament had failed. Wolsey, who vied with the King in magnificent displays and costly entertainment, was the King's instrument in these proceedings. He applied to the Commons for £800,000 to be raised by a tax of one-fifth upon all lands and goods, to prosecute a war against France. Such a demand had never before been heard of, and it was refused on the ground that it was impossible to raise it, inasmuch as it exceeded all the current coin of the realm. Thereupon, Wolsey went down to the House with all his numerous retinue at his back. Replying to the plea of poverty, he descanted upon the wealth and luxury of the nation "as though," a chronicler of the time remarks, "he had repined or disclaimed that any man should fare well, or be well clothed but himself."

As the Commons could not be induced to grant the subsidy, Parliament was dismissed, and the King, by Wolsey's aid, managed to get on without another for seven years. Wolsey adopted the old plan of benevolences, but carried it out in a more systematic manner. He had already obtained £20,000, a large sum in those days, from the City of London; but now he caused a Commission to go throughout the country to swear each man to the value of his goods, and then to require a certain percentage of those goods to be lent to the King. The more wealthy were required to find not only a larger sum but a larger proportion of their possessions. Owners of estates valued at £300 paid one-tenth, and owners of estates above £300 one-fifth. In exchange for this advance, the Commissioners gave a note as follows:—

"We, Henry VIII., by the grace of God, King of England and of France, Defendant of the Faith, and Lord of Ireland, promise by these presents truly to content and repay unto our trusty and well beloved subject, A.B., the sum of (so many pounds), which

he hath lovingly advanced unto us by way of loan for defence of our realm, and maintenance of our wars against France and Scotland. In witness whereof we have caused our privy seal hereunto to be set."

Then followed the date and the year, which was 1523. Two years afterwards a fresh Commission was sent out, with orders to demand the sixth part of every man's substance in money, plate or jewels, according to the valuation of his property made by the last Commission. The application of 1523 was for a loan; that of 1525 was a tax; the former loan not having been repaid. Accordingly the people were loud in their remonstrance. But the Mayor and chief citizens of London, to whom Wolsey made the application in person, no sooner began to remonstrate, than they were told to beware, lest their boldness "cost some their heads." The menaces of Wolsey, however, although supported by the imprisonment of one or two who had been hasty to remonstrate, did not induce obedience. The Commissioners were forcibly resisted in several counties, and in Suffolk their proceedings gave rise to a serious insurrection. This settled the matter; the King and his councillors refrained from pressing their demands, revoked the Commission, and pardoned all those who had resisted its being put in force.

Wolsey then had recourse to voluntary benevolences, apparently with success, and in a subsequent Parliament, largely composed of persons holding offices under the Crown, a statute was passed, relieving the King of all obligation to repay the sums borrowed by him, and ordering that if His Majesty had repaid any, the money should be returned. It is evident from this, that the House of Commons was not at this time composed of such men of spirit as had achieved for it the power it possessed, and it is equally certain we do not owe to them much of the liberty of the present day.

In 1545, after these Acts were passed, Commissioners were again sent round the country to collect a benevolence. They were instructed to summon but a few at a time, and to commune with every one apart, "lest some unreasonable man amongst so

many, forgetting his duty towards God, his sovereign lord, and his country may go about by his malicious frowardness to silence all the rest, be they never so well disposed." The Commissioners were further instructed to use "good words and amiable behaviour" to induce men to contribute, to dismiss the obedient with thanks, and if any refused on a pretence of poverty, which the Commissioners thought unfounded, they were to be "reproached for ingratitude," and this failing, they were to be ordered to appear before the Privy Council. What was likely to befall them there may be imagined from the fact that the Privy Council in this case meant the Star Chamber, to the proceedings of which we shall presently advert. It is difficult to say with what success these Commissioners met, for, in all probability, no record was kept of the amount they collected, or what became of it, a state of things which should make us regard the Government of to-day with extreme satisfaction, inasmuch, as we have already seen from the earlier pages of this work, not a penny is now levied except according to law, nor spent, save as the Parliament may authorise; and, besides this, a full account of that expenditure is always open to the inspection of the people's representatives.

Queen Elizabeth, who conducted her Court with great frugality, made very few demands upon the people, and it is notorious that when the needs of the State were great, she did not want for money, notwithstanding she still adopted the practice of asking for loans from the more wealthy, which they knew better than to refuse. But Elizabeth is reported always to have repaid the advances made to her with strict punctuality, and, towards the close of her reign in the year 1601, she consented on the petition of the Commons to put an end to all existing monopolies, and promised to grant no more. These monopolies had become a serious grievance. It had been the custom of Sovereigns to grant patents to courtiers, perhaps for a small payment, giving them the exclusive right to deal in certain articles of commerce. These patents the courtiers sold at a large profit to merchants, who, having the whole trade in a particular article thus placed in their hands, were able to charge what they pleased for it. This was of comparatively small conse-

quence in the case of luxuries, but, after a time, monopolies were granted for the sale of coal and salt, and it is said that scarcely any trade was free, so that the whole country suffered.

During the discussion of this question in the House of Commons the list of monopolies was read out, upon which one of the members asked, ironically, "Is not bread among the number?" and then he paused for an answer, the House being amazed at the question. "Well," said he, "if no remedy is found for these monopolies, bread will be among them before the next Parliament." Upon this, it is said, "every tongue seemed unloosed." Each member detailed the injury these monopolies did to the place he represented, and the result was that, after four days debate, in which the Ministers did their best to retain the privilege for the Crown, the monopolies were all abolished, and it was promised that no more should be granted. This, however, was not so great a concession on the part of the courtiers as may be supposed, because none suffered from it but the merchants who had bought the patents from those to whom the Sovereign had granted them.

The Parliaments during the sixteenth century were characterized by great servility to the Sovereign. The constitution of the House of Commons having by this time become fairly established, means were taken to form it of such material as would be obedient to the King's wishes. The old plan of not sending for members from certain places was discontinued, but intimations were given to the Sheriffs of the kind of members it was desirable to have, and Peers sent down to their counties requiring those concerned in the election to withhold their voices until they had declared for whom their votes should be given. In addition to this, petty boroughs, which had in former years sent up members, were again enfranchised, that they might return placemen, whom the Ministers of the day required in the House, notwithstanding a law was extant forbidding the return of non-resident burgesses. It is recorded in the Harleian MSS. that a Mr. Copley used to nominate burgesses for Gatton, because there were none in the borough; and that Lord Burleigh directed the Sheriff of Surrey to make no return without orders from him. He afterwards ordered the Sheriff to strike out

the name of Francis Bacon, and insert that of Edward Brown. Sixty-two members were added to the House in this way by Elizabeth, with the object of counterbalancing the votes of the country gentlemen, who were at this time the most determined supporters of the liberty of the subject.

The privilege of freedom from arrest, however, seems to have been successfully asserted by the Commons in the time of Henry VIII., and in 1586 the Commons assumed the right to decide in all cases where the returns made by the Sheriffs were disputed. The right of originating money bills was also asserted towards the close of Elizabeth's reign in 1593, and any affectation of superiority on the part of the Lords which was construed by the Commons to be derogatory to their dignity was speedily resented, in some cases with more determination than the circumstances warranted, for, in one instance, they sent a remonstrance to the Lords for having sent down some amendments to a bill on paper instead of parchment. A more worthy occasion for asserting the dignity of the House arose when in 1601 Sir Robert Cecil, having proposed that the Speaker should *attend* the Lord Keeper about some matter, Sir Edward Hobby took exception to the word "attend" as derogatory to the dignity of the House, whereupon Sir Robert Cecil made an apology.

THE STAR CHAMBER.

In the same way as that principle of the Constitution which forbade the taxing of the people without the consent of the Commons was thwarted by the exaction of benevolences during the reign of the Tudors, so the administration of justice was interfered with, although it was equally well established by this time that all persons charged with any crime should be tried by their peers, and that none should be imprisoned without trial and sentence according to law. This was one of the points of the Great Charter, which had now been in operation for more than three centuries, but it was evaded by the revival of the Star Chamber.

Differences of opinion have existed as to the origin of the Star Chamber. Some suppose it to have been erected by a statute of

the reign of Henry VII.; but better authorities show conclusively that it existed long before then, and that it was the ordinary council of the King, as distinguished from the Privy Council at large. The Court took its name from the Chamber in which it originally sat, but the origin of the name by which the Chamber was designated is disputed. Some think it was so-called because its ceiling was embellished with gilded stars, or because it had very many windows; but Sir William Blackstone conjectures that it received its name from having been a place of deposit for the contracts of the Jews, called *Starra*.

The Court of Star Chamber seemed to be nothing more nor less than a section of the Privy Council, and to have had its origin in the necessity which arose of intervening in cases where the enforcement of legal decrees was obstructed by the interference of persons of distinction, or by some other powerful influence. Sir Thomas Smith, writing in the time of Queen Elizabeth, says the effect of the court was to bridle such stout noblemen as would wrong any manner of men by force, and would not be content to demand or defend the right by order of the law. It began long before, but was augmented in authority at the time that Cardinal Wolsey was Chancellor of England. Some give him the credit of having devised the Court, but, according to Sir Thomas Smith, he simply augmented its authority, "which was at that time marvellous necessary to do to repress the insolency of the noblemen and gentlemen in the north parts of England, who, being far from the King and the seat of justice, made almost, as it were, an ordinary war among themselves, and made their force their law, binding themselves with their tenants and servants, to do or revenge any injury one against another as they listed." The Star Chamber, indeed, seems to have been the only Court in which powerful offenders had "no means of setting at defiance the administration of justice or corrupting its course."

But, although the Star Chamber served a useful purpose during the earlier years of its establishment in checking the temptation to oppress among wealthy nobles sufficiently powerful to oppose the King, and although there is every reason to believe its power was

at first exercised with wisdom and discretion, it soon became an instrument of cruel oppression on the part of the Sovereign and his favoured councillors, especially in respect of political offences. Persons who opposed the wishes of the King in Parliament were condemned by the Star Chamber to pay heavy fines or to imprisonment for some imaginary offences; and those who refused to grant benevolences to the King were dealt with in like manner. Not only did the Court inflict fines and imprisonment, but banishment, mutilation, and every kind of punishment short of death, without even hearing the person accused, and without putting on record either the charge made, the evidence in support of it, or the grounds on which the sentence was passed. A man of high position, whose character was unstained, might be denounced before the Star Chamber to-day and to-morrow find himself a prisoner in the Tower, ignorant of the offence with which he had been charged, the name of his accuser, or the term of his imprisonment.

And yet, to add to the terrible character of his situation, there was no appeal from the decrees of the Court, since they were supposed to be the decisions of the King himself. It was only necessary to bring a charge of contempt of the King's authority against a recalcitrant politician to secure his imprisonment; and juries who did not find verdicts agreeable to the Court were fined by it or punished instead of the accused, whom, in the estimation of the Star Chamber, they should have convicted. Lord Somers says the Court was set up "in very soft words to punish great riots, to restrain offenders too big for ordinary justice, or, in modern phrase, to preserve the public peace; but in a little time it made the nation tremble."

It began by fining and imprisoning persons in authority who had abused their trusts; it ended in exacting fines from presumedly innocent persons for some imaginary offence, or, at the most, for some action which, in these days, would be considered as trifling. It was held competent to sentence a person to be whipped, or to stand in the pillory, and even to be branded, or have his ears cut off. Sentence of death, alone, was held to be beyond its powers, but

it did not hesitate to put those whom it unlawfully detained to the torture, to enforce a confession of guilt which there was no evidence forthcoming to support.

The zeal with which the Court of the Star Chamber prosecuted its victims, seems to have arisen in a great measure from the continued want of supplies, and the fact that members of the Privy Council in some cases profited by the fines imposed by it. Hallam remarks, that there could be little objection taken to the imposition of weighty pecuniary penalties in a free country, with a well regulated administration, "due consideration being had to the offence and the criminal; but, adjudged by such a tribunal as the Star Chamber, where those who inflicted the punishment, reaped the gain, and sat, like famished birds of prey, with keen eyes and bended talons, eager to supply, for a moment, by some wretch's ruin, the craving emptiness of the exchequer, this scheme of enormous penalties became more dangerous and subversive of justice, though not more odious, than corporal punishment. A gentleman of the name of Allington was fined £12,000 for marrying his niece. One who had sent a challenge to the Earl of Northumberland was fined £5,000; another for saying the Earl of Suffolk was a base lord, £4,000 to him, and a like sum to the King. Sir David Forbes, for opprobrious epithets against Lord Wentworth, incurred £5,000 to the King, and £3,000 to the party. On some soap-boilers, who had not complied with the requisitions of the newly incorporated company, mulcts were imposed of £1,500 and £1,000. One man was fined and set in the pillory for engrossing," that is, buying up and raising the price of, "corn, though he only kept what he grew on his own land, asking more in a season of dearth than the overseers of the poor thought proper to give. Some arbitrary regulations with respect to prices may be excused by a well-intentioned, though mistaken, policy. The charges of inns and taverns were fixed by the judges. But even in those a corrupt motive was sometimes blended. The company of vintnors, or victuallers, having refused to pay a demand of the Lord Treasurer, of one penny a quart for all wine drunk in their houses, the Star

Chamber, without information filed or defence made, interdicted them from selling or dressing victuals, till they submitted to pay forty shillings for each tun of wine to the King. It is evident that the strong interest of the Court in these fines must not only have had a tendency to aggravate the punishment, but to induce sentences of condemnation on inadequate proof. From all that remains of proceedings in the Star Chamber, they seem to have been very frequently as iniquitous as they were severe. In many celebrated instances, the accused party suffered less on the score of any imputed offence, than for having provoked the malice of a powerful adversary, or for notorious dissatisfaction with the existing Government."

The records of the proceedings of the House of Commons contain frequent instances of remonstrance on their part against the action of the Star Chamber as being contrary to the provisions of Magna Charta, which, as we have already shown, it undoubtedly was. Its abuse of power was so great, that it ultimately worked its own end, but not until the year 1641, when it had been acting in flagrant violation of the law for upwards of a century. The Act of Parliament abolishing it, which was adopted in both Houses without opposition, states that the Judges of the Star Chamber "had undertaken to punish when no law warranted, and to make decrees having no such authority, and to inflict heavier punishment than by any law was warranted; and that the proceedings, censures, and decrees of that Court had, by experience, been found to be an intolerable burden to the subjects, and the means to introduce an arbitrary power and government." The Act then proceeded to abolish the Court absolutely, and thus swept away the last open attempt to take away the right of the subject to be tried by his peers.

Concurrently with the action of the Star Chamber, endeavours were made to ascertain the opinions of the Judges upon accusations which it was sought to bring against persons opposed to the King or his Ministers before they had been formally charged; but these endeavours "to sound" the Judges were unsuccessful. The law of the land, however, was wholly set aside towards the

close of Elizabeth's reign by the issue of a Commission to Sir Thomas Wilford, in the year 1595, directing him to apprehend all vagrants in the neighbourhood of London, and if the justices found them incorrigible vagabonds, straightway to hang them. Chroniclers of the time assert that there was no ground for suspecting any serious disturbance would arise; but anxiety seems to have been felt by the Queen lest these idle people should form themselves into riotous and predatory bands. Anxiety was also felt on account of the rapid increase of London, so much so that a proclamation was issued in 1580, forbidding the erection of houses within three miles of the City on pain of imprisonment and forfeiture of the building. A similar proclamation was made in 1602, for fear of increasing the plague, of creating a trouble in governing such multitudes, a dearth of victuals, a multiplying of beggars and inability to relieve them, an increase of artizans beyond what could live together, and the impoverishing of other cities for lack of inhabitants. The fear of the plague was, perhaps, the only reasonable ground for stopping the growth of London; but, even this fears was based upon a misapprehension. The real cause of the periodical appearance and frightful ravages of the plague arose from the defective drainage of the City. The plague has never found a footing in London since the rebuilding of the City after the great fire of 1666, yet it has rapidly increased from that time, and now contains perhaps ten times the number of inhabitants then living in and about it.

Proclamations were also issued expatriating anabaptists, commanding Irishmen to return to Ireland, forbidding the exportation of corn and money, and the cultivation of woad—a plant upon the importation of which for dyeing purposes a good revenue was raised.

The rule of the Tudors was much distracted by dissensions respecting religious matters arising out of the Reformation, and the attention of the Parliament was often diverted from the real business of government by disputes touching the future succession to the Throne, a question which was much complicated by Henry VIII.'s numerous marriages, and the fact that Queen

Elizabeth declined to marry. But the period is memorable, especially the reign of Elizabeth, for the brilliant race of statesmen it produced, for the rapid increase of commerce, the glory of its naval victories, and, above all, for a rich growth of native literature. Spenser, Shakespeare, Beaumont and Fletcher, Bacon and Raleigh, all flourished in the reign of Elizabeth, and, the art of printing having become somewhat common by this time, a new means of enlightenment was at the command of the people. So rapidly did the art of printing grow, and so great was its influence in provoking inquiry, that the Star Chamber thought it necessary to interfere. Frequently did it issue proclamations to restrain the importation of books and to regulate their sale. Polemical pamphlets were suppressed with rigour, and those who printed them were regarded as disorderly. The Star Chamber required every printer to register his presses at the Stationers' Company, gave the Archbishop of Canterbury and the Bishop of London power to restrict the number of printers as they thought fit, forbade anything to be printed without the consent of one or other of these prelates, or of the Chief Justices in the case of matter relating to the law, and imposed a penalty of three months imprisonment for selling books contrary to this ordinance. This proclamation was enforced with great strictness, and not without partiality. Whitgift, who was Archbishop at that time, was not content with confining himself to the suppression of books obnoxious to the Government of the day in matters of religion and politics; he permitted nothing to appear that interfered in the least with his own notions, and even went as far as to suppress the books of those from whom he differed personally. But, notwithstanding this, the Press throve, and became a source of continual anxiety to succeeding Governments.

ACCESSION OF THE STUARTS.

The succession which had given much concern to the House of Commons during the reign of Elizabeth, was quietly settled by a few words from the Queen in her last moments. When her end was visibly approaching, the Council, being then assembled, sent

the Lord Keeper, the Lord High Admiral, and the Secretary to know her will regarding her successor. "She answered," says Hume, "with a faint voice, that as she had held a regal sceptre, she desired no other than a Royal successor. Cecil requesting her to explain herself more particularly, she rejoined that she would have a King to succeed her, and who should that be but her nearest kinsman, the King of Scots." This request of the Queen formed the best part of the title of the Stuarts to the Throne, which is otherwise very defective. But the want of a good title did not appear to influence the conduct of James I., who was as ready as any of his predecessors to spend his subjects' money improperly, and equally indifferent how he came by it. He chose his advisers, with few exceptions, from among men less remarkable for wisdom than good looks, and, having lavished upon them all the honours a King could bestow, dismissed them as soon as a younger or more handsome courtier was introduced to his notice. He seemed to have but a slight regard for the duties of Kingship, combined with an exaggerated estimate of the Royal prerogative—characteristics which could not but excite the opposition of the Commons, who were now growing active in their duties, and giving attendance in large numbers, so much so, indeed, that new seats had to be provided for their accommodation.

A dispute arose in the very first year of this reign between the King and his first Parliament, respecting the right claimed by the House of Commons to judge of the validity of returns made by the Sheriff of knights and burgesses to serve in Parliament. Sir Francis Goodwin having been chosen member for the county of Buckingham, in preference to Sir John Fortescue, a Privy Councillor, the return was sent back to the Sheriff with orders to proceed to a new election, on the ground that Sir Francis Goodwin had been previously outlawed. Sir John Fortescue was then returned, and the matter having been considered by the Commons a few days after their assembling, it was resolved that Sir Francis was lawfully returned. A discussion consequently arose between the Lords, the Commons, and the King concerning the matter. The

King alleged that, inasmuch as the writs were issued out of his Chancery, they should be revised by the same authority; but it was well understood by the Commons that, if the claim to revise returns were allowed, dishonest counsellors might prevent the return of any member objectionable to them, and thus destroy the independence of the House. Accordingly, the right was disputed with much determination, and with such good effect that, although in this instance the matter was compromised by the issue of a new writ, the right of the House of Commons to review returns made to writs for the election of members of Parliament has never since been disputed.

In the course of this controversy the Commons drew up a statement of their rights, in which it was maintained that their privileges and liberties were "their right and inheritance, no less than their very lands and goods;" that they could not be withheld, denied, or impaired without wrong being done to the whole realm; that their making request at the beginning of a Parliament to enjoy their privileges was only an act of manners, and did not weaken their right; that the House of Commons was a Court of Record; that no Court, however high its standing, could enter into competition with it, either for dignity or authority, inasmuch as it gave law to other Courts, but received neither law nor orders from any of them; and, finally, that the House of Commons was the sole proper judge of returns of all such writs, and the election of all such members as belonged to it, without which there could not be entire freedom of election. This protest, or, as the Commons termed it, "Form of apology and satisfaction," proceeded to comment upon the importance of these privileges being carefully maintained, lest, being once lost, they were "not recovered but with much disquiet"—a declaration which proved to be prophetic.

The result was that no subsidy was voted to the King until the close of the third year of his reign, and until after a list of sixteen grievances had been presented by the Commons. The grant then made is spoken of as "liberal."

A new ground of dispute arose, in 1607, as to the right of the

Commons to advise the Crown in matters of peace or war. Certain merchants who felt themselves aggrieved because Spain arrogated to itself the exclusive right of trading in the Indies, petitioned the House of Commons on the subject, charging the Spaniards with numerous acts of cruelty to Englishmen. The Commons, upon receiving the report of a committee deputed to consider the matter, prayed the Lords for a Conference, but the Upper House, acting in concert with the King's Ministers, disputed the right of the Commons to interfere in the matter. They, however, granted a Conference, in the course of which the Earl of Salisbury entered upon an elaborate argument to support the doctrine that the Crown was invested with absolute power of peace and war, alleging that if Parliaments had ever been made acquainted with such matters in a general way, "it was either when the King and Council conceived that it was material to have some declaration of the zeal and affection of the people, or else when they needed money for the charge of a war, in which case they would be sure enough to hear of it." The Earl of Northampton, who also took part in the Conference, reverted to the fact that the House of Commons was originally composed of men having merely local knowledge, and to that extent only were held to be Councillors of the King, and not to the extent of advising him upon all matters of State. He acknowledged, however, that the House contained men of "good capacity and insight into affairs of State;" but maintained that to be an accident of the person, and not the intention with which the House was constituted. The matter does not appear to have been disputed further, but the House of Commons very soon afterwards exercised the now unquestioned right of receiving petitions touching all matters of State policy, and addressing the Crown thereon or not, as it deemed fit.

TONNAGE AND POUNDAGE.

Another cause of difference arose in 1610, out of the old question of taxation. It was the custom of the Parliament to pass, at the commencement of each reign, an Act giving the King authority to levy tonnage and poundage up to a certain amount upon

every tun of wine and every pound of other merchandise imported or exported. Queen Mary had imposed unauthorised duties on the exportation of cloth and the importation of French wine; and these illegal imposts had been maintained without much remonstrance by Elizabeth. James, however, recalled attention to the irregularity by trebling the authorised tax on currants, after having imposed a tax of six-and-eightpence per pound on tobacco in addition to the authorised tax of twopence. Upon the refusal of a merchant to pay the tax on currants, the matter came before the Barons of the Court of Exchequer, who, being far from impartial between the King and the subject in these days, through fear of removal or in hope of promotion, gave judgment for the Crown on the ground that, as the King had power to make treaties with foreign Powers, he must also have the power of controlling the commerce with them, and, therefore, of taxing that commerce.

Upon this, a book of rates was published under the authority of the Great Seal, imposing heavy duties on all merchandise. The House of Commons accordingly took the matter up, but not until these rates had been in force for nearly two years, and denounced the proceedings of the King as illegal. The King arrogantly commanded the Commons not to enter upon a consideration of the subject, and in reply they sent the King a determined remonstrance, which concluded as follows:—

"We, therefore, your Majesty's most humble Commons assembled in Parliament . . . finding, that your Majesty, without advice or consent of Parliament, hath lately, in time of peace, set both greater impositions, and far more in number, than any your noble ancestors did ever in time of war, have, with all humility, presumed to present this most just and necessary petition unto your Majesty, that all impositions set without the assent of Parliament may be quite abolished and taken away; and that your Majesty, in imitation likewise of your noble progenitors, will be pleased that a law be made during this Session of Parliament, to declare that all impositions set, or to be set upon your people, their goods or merchandizes, save only by common consent in Parliament, are and shall be void."

In addition to presenting this remonstrance to the King, the Commons also sent up a Bill to the Lords, abolishing all these impositions, but as the Lords were at this time, for the most part, siding with the King, it proceeded no further, and the Commons had to wait. It was not long, however, before they were again solicited for supplies, and this time, seeing the King was much in debt, the Earl of Salisbury came with a proposition, that if Parliament would grant a yearly sum of £200,000 to the King, he would see that all their grievances were redressed. The Commons, accordingly, in hopes of a settlement, sent up a list of grievances. First, they required the illegal imposts to be abolished; next, they required the abolition of the Ecclesiastical High Commission Court, which had recently assumed the power to fine and imprison, and then they prayed for the discontinuance of proclamations assuming the form and character of law. They asserted that proclamations had been of late years much more frequent than heretofore, and that they were extended, not only to the liberty, but also to the goods, inheritances, and livelihood of men; some of them tending to alter some points of the law, and make new law; others enforcing proposals of law directly rejected in the previous Session of Parliament; others appointing punishments to be inflicted before lawful trial and conviction; and some containing penalties in form of penal statutes.

They went on to say that fears were spreading that proclamations would in time acquire the strength of law, whereby freedom would not only be much diminished, but might be replaced by a new form of arbitrary government. And this fear was increased in consequence of the publication of certain books favourable to the pretensions of the King, and from the fact that all the King's proclamations had been printed in the form of Acts of Parliament, as if to give them the same authority. Other grievances appeared in this list, including complaints of delay of the Courts of law, the granting of patents of monopolies, and a tax upon the trade of victualling. The Commons further sought relief from the pecuniary obligations attending knight service, and upon this the King asked for an extra £100,000 a year, but afterwards was

willing to content himself with his original demand of £200,000, an enormous sum, considering the value of money in those days.

Next came the question how this money was to be raised, and by what means the King was to be held to his bargain. A settlement was deferred until the next Session, which was fixed for October, but when the Commons reassembled, they would proceed no further in the matter on the ground that the raising of so much money, "to be spent by a prodigal King," without contributing to the maintenance of the national honour, or the prevention of further demands upon Parliament, would impoverish the land, and seriously hamper commerce. They, at the same time, could not satisfy themselves that the King would stand by his promise. The Parliament was accordingly dissolved.

James then endeavoured to raise loans, but the merchants having grown bolder, he met with little success, and then resorted to an entirely novel mode of raising money—that of selling honours. Immediately after his accession, he had called upon all those of a certain standing to receive knighthood, or to pay a composition, the object of which was to raise money from those who thought the honour troublesome and expensive; but many chose to receive the honour, and the result was that he made several hundred knights in the first year of his reign. Upon this occasion he took the opposite course, and offered honours for sale. He sold several peerages, and created the order of hereditary knights, known as baronets, each of whom paid £1,000 for their patents. He made ninety-three baronets within six years, and this yielded him £93,000.

But this resource failing, he was persuaded, in 1614, to try another Parliament. Sir Francis Bacon advised him to get the House filled with well-affected persons, and to make a few unimportant concessions, without waiting for the list of grievances the Commons would otherwise present. The attempt was made, but the concessions were so few, and the Commons had grown so determined to resist the King's illegal imposts, that an imperious demand on the part of the King for supply, on pain of dissolution,

was met by an equally determined resolution to have the imposts first repealed. The King is then recorded to have called the Commons together in the banqueting house, at Whitehall, to have torn their Bills to pieces in their faces, and then to have dissolved Parliament. He afterwards caused Sir Edwin Sandys, one of the boldest of the members to be imprisoned, which was, unquestionably, an infringement of the undoubted right of free speech.

James then had recourse to a variety of expedients to provide himself with money. He sold the Dutch towns won by Elizabeth, and acquired considerable sums by way of fines in the Star Chamber. He also resorted to benevolences, and a Mr. Oliver St. John, having commented upon the proceeding adversely to the King in a letter to the Mayor of Marlborough, was fined £5,000 and imprisoned during pleasure.

The next Parliament, which was called in 1621, spent its earlier days in assuming the right to punish offences not committed against itself, and succeeded, in conjunction with the lords and the King, in the case of Mompesson, who had been guilty of fraud under a patent of monopoly, and in the case of Floyd, who had libelled the Elector Palatine. This, it will be observed, was a power the House of Commons had uniformly denounced, when laid claim to by any other body not a Court of Justice.

The next matter it turned its attention to was the excessive corruption among the Judges and officers of State, which "characterised the reign of James beyond every other in our history." Among the most important convictions was that of the Earl of Suffolk, for embezzlement, while holding the office of Lord Treasurer; Lord Bacon was dismissed from the office of Lord Chancellor, convicted, if not confessing, to the receipt of bribes from suitors in his Court; and the Earl of Middlesex, a later instance, was impeached for bribery and other misdemeanors, when holding the office of Lord High Treasurer. These proceedings clearly established the right of the Parliament to review the actions of Ministers of State, which may be regarded as the most valuable step made by the Commons during this

reign, not even excepting, perhaps, the passing of an Act putting an end to monopolies.

THE SEEDS OF REVOLUTION.

The twenty years' struggle beween James I. and the House of Commons culminated in the next reign, and ended in a series of terrible consequences. It seemed to be impossible for the Kings to rid themselves of the belief inherited from feudal times that the people had no rights as against the wishes of their Sovereign, that, in fact, the whole of the people and all that they possessed were absolutely at the disposal of the King, who was superior to all law and answerable to none but God. This is a position which might be assumed with some hope of success by a despotic King ruling over perfectly uneducated subjects, but the growing intelligence of the people of England in the time of the Stuarts could not admit the straining of the Royal prerogative, and refused to release the King from obedience to the law under which he was born, much less from the performance of promises made by himself. This was the bone of contention between the Stuarts and the Commons. The one would relinquish none of the Prerogative enjoyed by the Norman Kings, the other refused supplies on such terms.

The Parliament being called together, the House of Commons passed a Bill authorising the King to collect tonnage and poundage for only one year instead of for life, a measure which the Lords rejected, and, in consequence of the determination shown by the House of Commons, Parliament was dissolved. The next House of Commons was not more submissive, and the King had managed to estrange the Lords also by two illegal acts. He had committed the Earl of Arundel to the Tower for no assigned cause, but it was surmised in consequence of his son having married a lady of Royal blood. He had also forbidden the Earl of Bristol to be summoned to Parliament because of something which had passed between them before he came to the Throne. From both of these positions the King had to recede, but the breach between him and a section of the Lords, headed by the Earl of Pembroke, remained.

The House of Commons had voted five subsidies to the King, but had delayed the Bill embodying them until they had drawn up a list of the grievances they required the King to redress; but before this was concluded the King dissolved Parliament the second time, and seemed desirous of governing without one. He had already issued letters to numbers of persons, whose names had been sent him by the Lord Lieutenants, mentioning the sums he required them to lend him, and promising payment in eighteen months, but now he sent out Commissioners to collect a general loan from each subject based on the assessment made for the last subsidy.

The King could not at this time raise even the tonnage and poundage legally, but money was urgently needed by the Duke of Buckingham, the King's favourite, to carry on the war for the relief of the Huguenots; and the occasion became pressing when the soldiers and marines were going about in troops declaiming against the King and his Council for not having paid them their wages. Stories are told of a band of captains rushing into the Duke of Buckingham's apartment as he sat at dinner, and when reminded of a recent proclamation forbidding soldiers to go to Court in troops on pain of hanging, they replied that, whole companies were ready to be hanged with them, for their reputation was forfeited through being unable to pay their debts, and life, without good reputation, was not worth having. A multitude of seamen, in the same plight as the soldiers, met on Tower Hill, and mounted a lad on a scaffold, who read a mock proclamation, announcing that King Charles had promised their pay, or the Duke himself had been on the scaffold.

Side by side with this pressing need for money came news of tumults from all parts of the country, occasioned by the illegal collection of the subsidy. The opposition was equally decided close to the Palace. Large numbers of those liable to pay taxes, (a contemporary letter writer says 5,000) collected in Westminster Hall, and, notwithstanding it was explained to them that the House of Commons had voted the subsidy, though it had not passed the Bill authorising the collection of the money, they all,

with the exception of some thirty who were the King's servants, cried, "A Parliamant! a Parliament, or else no subsidies!"

"The King ordered," says D'Israeli, in his "Secret History of Charles I.," "that those who would not subscribe to the loans should not be forced; but it seems there were Orders in Council to specify those householders' names who would not subscribe; and it further appears, that those who would not pay in purse should in person. Those who were pressed were sent to the *depôt;* but either the soldiers would not receive these good citizens, or they found easy means to return. Every mode which the Government invented seems to have been easily frustrated, either by the intrepidity of the parties themselves, or by that general understanding which enabled the people to play into one another's hands. When the Common Council had consented that an imposition should be laid, the citizens called the Guildhall the *Yield-all!* And whenever they levied a distress, in consequence of refusals to pay it, nothing was to be found but 'Old ends, such as nobody cared for.' Or, if a severer officer seized on commodities, it was in vain to offer pennyworths where no customer was to be had. A wealthy merchant, who had formerly been a cheesemonger, was summoned to appear before the Privy Council, and required to lend the King two hundred pounds, or else to go himself to the army and serve it with cheese. It was not supposed that a merchant so aged and wealthy would submit to resume his former mean trade; but the old man, in the spirit of the times, preferred the hard alternative, and balked the new project of finance by shipping himself with his cheese. At Hicks's Hall the Duke and the Earl of Dorset sat to receive the loans; but the Duke threatened and the Earl affected to treat with levity, men who came before them with all the suppressed feelings of popular indignation. The Earl of Dorset, asking a fellow, who pleaded inability to lend money, of what trade he was, and, being answered a tailor, said: 'Put down your name for such a sum; one snip will make amends for all!'

"These are instances drawn from the inferior classes of society; but the same spirit actuated the country gentlemen: one instance

represents many. George Catesby, of Northamptonshire, being committed to prison as a loan-recusant, alleged, among other reasons for his non-compliance, that 'he considered that this loan might become a precedent, and that every precedent, he was told by the Lord President, was a flower of the prerogative.' The Lord President told him that 'he lied.' Catesby shook his head, observing, 'I come not here to contend with your lordship, but to suffer.' Lord Suffolk, then interposing, entreated the Lord President would not too far urge his kinsman, Mr. Catesby. This country gentleman waived any kindness he might owe to kindred, declaring that 'he would remain master of his own purse!' The prisons were crowded with these loan-recusants, as well as with those who had sinned in the freedom of their opinions. The country gentlemen insured their popularity by their committals; and many stout resisters of the loans were returned in the following Parliament against their own wishes."

Open defiance of the Commissioners was stimulated by addresses "to all true-hearted Englishmen;" sealed letters addressed to the leading men of the country were found hanging on bushes; and anonymous letters were dropped in shops and streets, announcing that such a work was to be wrought in England for the people's good as had never been equalled.

It is evident from this that the people had long ceased to regard these loans in any other light than as unauthorised taxes; and now that they were being levied systematically, it was felt by the more enlightened that the practice must be resisted at all hazards, or the Constitution would be at an end. If, as Hallam puts it, every remonstrance was to be checked by a dissolution, and chastised by the imprisonment of its promoters, and if every denial of a subsidy were to furnish a justification for extorted loans, the free-born gentry would not long have consented to attend so ignominious an assembly as the English Parliament. It is clear, however, that the country was fully roused, that the poor and the wealthy were alike resolved to maintain what they conceived to be the Constitution in opposition to the King, and consequently in 1628, on

the assembling of the third Parliament, the House of Commons was found to be composed of the wealthiest and most high-spirited of the land.

THE PETITION OF RIGHT.

The first act of this Parliament was to present to the King the famous Petition of Right, which has been regarded as the Second Great Charter of English Liberties. It required that no loans, taxes, or other charges should be levied without the consent of Parliament; that no one should be imprisoned for refusing to pay such charges; that the billetting of soldiers and marines upon citizens should be discontinued; and that no Commission should be issued for the execution of martial law, for this had been not uncommon within recent years.

The King gave an evasive answer to this petition upon its first being presented for his acceptance, but the Commons were firm, and he at length gave his full consent to it. The Commons then returned to their chamber, and prepared a Bill to authorise the raising of tonnage and poundage; but, before passing it, drew up a remonstrance, which they intended presenting to the King, commenting severely upon his having levied tonnage and poundage without their consent. The King, however, heard of their doings, and prorogued Parliament, telling the Commons that tonnage and poundage was what he had never meant to give up, nor could possibly do without. This was in flat contradiction to his assent to the Petition of Right; and as, during the recess he again levied these taxes and imprisoned those who refused payment, the Parliament reassembled next year, more inflamed against the King than ever; but Charles was as little disposed to give way as the Commons, and, hearing the Commons were busy with a remonstrance of a more outspoken character than any they had before presented, he sent for the Speaker, and commanded him not to put the question. The Speaker wished to obey, and, on the House calling upon him to put the question, he said he was otherwise commanded by His Majesty. A scene of such excitement ensued as had never before been

witnessed in the House, and the Speaker is said to have been so much moved that he wept. In the meantime, the King having heard what was afoot, came to dissolve the Parliament, as the shortest way of settling the business. But when the Usher of the Black Rod came to the Commons to summon them, the doors of the House were bolted against him, and the keys were placed on the table pending the conclusion of the dispute with the Speaker, who still declined to put the question, and essayed to leave the Chair. Upon this, two members, supposed to be Mr. Denzil Holles and Mr. Valentine, held him in his place until the remonstrance was voted with enthusiastic shouting by the popular party. This done, the doors were thrown open, and the members, rushing out in the greatest confusion, carried away the Usher of the Black Rod and the Serjeant who had come for the mace.

The King immediately afterwards dissolved Parliament, and only a few days afterwards he imprisoned the most prominent members of the House of Commons, by way of punishment for their courageous defence of the law in opposition to his will. Among those imprisoned were Sir John Eliot, Holles, Selden, Long, and Strode. A writ of Habeas Corpus was applied for in their behalf, and, in answer to it, it was said they were detained for stirring up sedition, under a warrant signed by the King himself. The matter having been argued before the Court, the Judges wrote a letter to the King, saying they were bound to set the prisoners at liberty; but, from one cause and another, they were kept in the Tower several months. The majority of them were then set free, but Sir John Eliot was detained on account of words spoken in the House, when he said the Council and Judges had conspired to trample under foot the liberties of the subject. Mr. Holles and Mr. Valentine also were proceeded against on account of having raised a tumult on the last day of the Session, when the Speaker was forcibly held in the chair during the voting of the remonstrance. This brought up the great question of freedom of speech in Parliament, which is now never for a moment disputed; but in this case the Judges condemned all three to

imprisonment during the King's pleasure, and until they made submission, besides fining Eliot £2,000 and the others smaller sums. Eliot died in the Tower.

SHIP-MONEY.

The King now publicly made known his intention of governing without a Parliament, and none was summoned for eleven years. In the proclamation making this known he said he should not overcharge his subjects by additional burdens, but would satisfy himself with what his father had received, which he neither could nor would dispense with. This promise, however, was not fulfilled. Not only was tonnage and poundage exacted, but various other duties were levied on imports. Some refused payment on the ground that it was contrary to law, but they were, in consequence, severely punished. Novel expedients also were devised by Noy, the Attorney-General, for raising money at this time. One of them gave to a company the monopoly of selling soap for £10,000, and £8 for every ton of soap made. This was contrary to the spirit of the law against monopolies, passed in the reign of Elizabeth, but not contrary to its letter, since every soap-maker might belong to this company. Some years afterwards, however, the King revoked this patent, and granted a new one to another company, for another sum of money. Similar patents were issued to other companies, but, after a time, the feeling of the traders generally being aroused, he revoked them all, but does not appear to have returned the money paid for them. Noy was also the author of the scheme for raising ship-money, which has become the most notorious of all the illegal expedients for filling the King's exchequer. He discovered that in former times counties on the sea-coast had furnished money for the building of ships to defend the coast, and that in some few cases inland towns had furnished money for the same purpose. He died soon after making this discovery, but Charles did not fail speedily to use it. In 1634 a writ was directed to the magistrates of London, and other sea-port towns, reciting the depredations of the pirates, and the prospect of a continental war, and calling on the citizens to fur-

nish a certain number of ships. The citizens claimed exemption under their charters, but, ultimately, had to comply, at a cost of £35,000. Smaller places on the coast were more easily dealt with; but a few years afterwards the scheme was extended to inland towns, at the suggestion of Finch, Speaker of the last Parliament, who, for his zeal in refusing to put the Remonstrance to the vote and his general compliance with the wishes of the King, had been rewarded with the Chief Justiceship of the Court of Common Pleas. Finch took the place of Sir Robert Heath, who was removed because his opinion was against the levying of ship-money; and, the constitution of the Bench having been thus improperly altered, the Judges, at the solicitation of the King, gave an opinion that he had a right, in times of peculiar danger, of which he alone was to be the judge, to command his subjects to find ships, and keep them manned and victualled, as long as he desired them to do so. Still the demand was to some extent resisted, but since none had remonstrated against these illegal levies without being punished, the refusals to pay were at first but few.

It was not long, however, before the demand was solemnly contested. Richard Chambers, a citizen of London, who had already been fined £2,000 for not paying an extra duty on a bale of silk, brought an action against the Lord Mayor for wrongful imprisonment, consequent upon his not having paid ship-money. Judgment was given against him, but the matter was not allowed to rest, and soon afterwards the attention of the whole country was directed to the memorable case in which John Hampden was sued for his share of the ship-money. The case was tried before all the twelve Judges in the Exchequer Chamber, and was pending for six months. Seven of the Judges gave judgment for the Crown; of the rest, two wavered, and three absolutely reversed the opinion with which they had privately furnished the King.

The vacillation of the Judges and the fulness with which the matter was discussed, produced a still greater unwillingness to pay ship-money, which was gathered in more slowly, and yielded

very much less than before. General despondency also resulted from the oppression to which the people were subject, and emigration to the American Continent became common, so common indeed that, in 1628, the departure of Nonconformists was forbidden by Royal proclamation, and a ship in which Oliver Cromwell and Hampden meditated leaving the country in despair was refused a licence to sail.

In 1639, when the Scotch rebelled, there was but £200 in the King's Exchequer, and little hope of raising sufficient money for the ordinary expenses of the Government, so disaffected were the people. Still the King would not hear of a Parliament; but, the cost of reducing the Scotch to obedience induced him to give way in the following year, and on the 13th April he opened his fourth Parliament, promising to give up his claim to ship-money if the Commons would vote him certain subsidies. The Commons, however, would do nothing until the judgment against Hampden was annulled, and the Judges who gave it were punished. The Parliament was accordingly dissolved almost as soon as it was assembled. In the same year, the Scotch still in revolt, and the City petitioning for a Parliament, advice in which the Peers almost unanimously joined, the King made peace with the Scots at Ripon, and then called together the memorable long Parliament in November, 1640.

THE LONG PARLIAMENT.

Of this Parliament Hallam says its very enemies confess it met "with almost unmingled zeal for the public good, and with loyal attachment to the Crown. They were the chosen representatives of the Commons in England, in an age more eminent for steady and scrupulous conscientiousness in private life, than any, perhaps, that had gone before or has followed; not the demagogues or adventurers of transient popularity, but men well-born and wealthy, than whom there could perhaps never be assembled five hundred more adequate to redress the grievances or to fix the laws of a great nation. But they were misled by the excess of two passions, both just and natural in the circumstances wherein they found

themselves, resentment and distrust; passions eminently contagious, and irresistible when they seize on the zeal and credulity of a popular assembly," and which in this case led to severe and sanguinary measures, and aggravated their difference with the King till there remained no other arbitrator but the sword.

Its first act was to pass a Bill requiring the Crown to dissolve Parliament as soon as it had been in existence three years, unless actually sitting, when it was to be dissolved upon its next prorogation or adjournment; also that a new Parliament should be summoned by the Lord Chancellor within three years of the last, and in case the Chancellor did not issue writs for the purpose, he should by the omission vacate his office, and the Peers were to act in his stead. If they failed, the Sheriffs were to issue the writs on their own authority, and in their default the electors themselves were to send up representatives, so that if there were no Parliaments in the future the Commons would be themselves to blame. This remarkable change in the Constitution was the work of a few days, and after some hesitation the King assented to it, an event which was celebrated by bonfires and universal rejoicing.

Their next act was to annul the judgment against Hampden, and declare the levying of ship-money illegal; they put an end to imposing Customs duty on merchandise, including tonnage and poundage, unless authorised by Parliament; they absolutely abolished the Star Chamber and the High Commission, which had assumed the right to fine and imprison the laity for holding heterodox opinions; they put an end to two arbitrary Courts somewhat similar to the Star Chamber, known as the Council of the North and the Council of Wales and the Welsh Marshes, and abolished the custom of pressing soldiers and sailors for carrying on wars abroad. To all these measures the King assented before the close of 1641, and again the hopes of the people rose high.

One incident connected with the passage of the last measure is worthy of note. While it was under discussion in the Commons, the King, in a speech from the Throne, objected to it as an encroachment upon his prerogative. This reference was imme-

diately followed by a joint remonstrance from both Houses as a breach of privilege, and has never since been repeated.

IMPEACHMENT OF STRAFFORD.

Having placed the calling of Parliaments beyond the mere will of the King, and within the sovereign will of the people, the Commons next turned their attention to the King's advisers. The most prominent among them was Thomas Wentworth, Earl of Strafford. From his letters, which have come to light since his death, and which were written without any expectation that they would ever be made public, there seems little room to doubt but that it was he who was foremost in prompting the King, and urging him to persist in the illegal course which characterised the earlier years of his reign. He was accustomed to advocate the "thorough," by which he meant the thoroughly despotic. Archbishop Laud alone approached him in the persistency with which he urged on the King in all his most arbitrary proceedings; his tyrannical conduct as President of the Council of the North, and as Lord Lieutenant of Ireland were such as inflamed the country against him, and prompted the first act of violence on the part of the Long Parliament. "A greater and more universal hatred," wrote Lord Northumberland to Lord Leicester, concerning him, "was never contracted by any person than he has drawn upon himself."

Accordingly, Mr. Pym, we are told, rose in his place in the House of Commons, on the 11th of November, and announcing that he had something of importance to make known to the House, desired that the outer room be cleared of strangers, and the outer door upon the stairs locked. This being done, he referred to the evils under which the nation had laboured, and declared that a deliberate plan had been formed entirely to change the form of Government. "We must enquire," he continued, "from what fountain these waters of bitterness flow, what persons they are who have so far insinuated themselves into the King's affections as to pervert his excellent judgment, to abuse his name, and wickedly apply his authority to countenance and support their own corrupt

designs. Though, I doubt not, many may be found, who have contributed to bring this misery upon the nation, yet, there is one who, by his capacity and inclination to do evil, enjoys an infamous pre-eminence, a man who, in the memory of many present, has sat in this House, an earnest vindicator of the laws, and a most zealous assertor and champion of the liberties of the people; but he has long since turned apostate from those good affections, and, according to the custom and nature of apostates, has become the greatest enemy to the liberties of his country, and the greatest promoter of tyranny that any age has produced. Who is this man? The Earl of Strafford, Lord Lieutenant of Ireland, and Lord President of the Council of York, who, in both places, and in all other provinces, wherein his services have been used by the King, has raised ample monument of his tyrannical nature; and I believe a short survey of his actions will show him to have been the principal author of all those counsels which have exposed the kingdom to so much ruin." Pym then instanced some of the Earl's imperious actions, and said it was incumbent on the House to consider how to provide a remedy proportionate to the disease, so as to prevent any further mischief from the continuance of this great man's power and influence in the counsels of the King.

This is recorded by Hyde, afterwards Earl of Clarendon, who was then a member of the House of Commons, and probably a listener on this occasion. The rest of the incident is quaintly told by Robert Baillie, Principal of the University of Glasgow, and one of the Scots Commissioners deputed to London. "The Lieutenant of Ireland," he writes, "came but on Monday to town late, on Tuesday rested, on Wednesday came to Parliament, but ere night he was caged. Intolerable pride and oppression cries to Heaven for a vengeance. The Lower House closed their doors; the Speaker kept the keys till the accusation was concluded. Thereafter Mr. Pym went up, with a number at his back, to the Higher House; and, in a pretty short speech, did, in the name of the Lower House, and in the name of the Commons of all England, accuse Thomas Earl of Strafford, Lord Lieutenant of

Ireland, of high treason; and required his person to be arrested till probation might be heard; so Mr. Pym and his back were removed. The Lords began to consult on that strange and unexpected motion. The word goes in haste to the Lord Lieutenant, where he was with the King; with speed he comes to the House; he calls rudely at the door; James Maxwell, Keeper of the Black Rod, opens; his Lordship, with a proud glooming countenance, makes towards his place at the board head; but at once many bid him void the House; so he is forced in confusion, to go to the door till he was called. After consultation, being called in, he stands, but is commanded to kneel, and on his knees to hear the sentence. Being on his knees, he is delivered to the Keeper of the Black Rod, to be prisoner till he was cleared of these crimes the House of Commons had charged him with. He offered to speak, but was commanded to be gone without a word. In the outer room, James Maxwell required him, as a prisoner, to deliver his sword. When he had got it, he cries with a loud voice for his man to carry my Lord Lieutenant's sword. This done, he makes through a number of people towards his coach; all gazing, no man capping to him, before whom, that morning, the greatest of England would have stood discovered, crying, 'What is the matter?' He said, 'A small matter, I warrant you.' They replied, 'Yes, indeed, high treason is a small matter.' Coming to the place where he expected his coach, it was not there; so he behoved to return the same way, through a world of gazing people. When at last he had found his coach, and was entering, James Maxwell told him, 'Your Lordship is my prisoner, and must go in my coach;' and so he behoved to do."

Strafford was first impeached of high treason, but, from technical reasons he was afterwards proceeded against by bill of attainder, which was agreed on by both Houses, and assented to by the King. He was executed on Tower Hill on the 12th of May. Charles has been much blamed for this desertion of his chief counsellor, whom he had repeatedly promised to protect; but, although a commutation of his sentence was unquestionably

within the King's prerogative, it is very doubtful whether it was in his power at the time, for, from the moment the Commons adopted Pym's bold suggestion to impeach Strafford the power of the King was as nothing compared with that of Parliament. The crime of the execution of Strafford—if crime it be—must rest with the Parliament, which constrained the King to join in the sentence passed upon him.

The next proceeding of this Parliament was to agree after only three days' deliberation to a Bill forbidding its dissolution without its own consent, a measure dictated by fear of immediate dissolution, and the subsequent punishment of those who had led the popular party. This fear had been excited by rumours that the King meditated having recourse to arms in support of his authority. The measure, however, was readily acquiesced in by the King, who shortly afterwards assented, after some hesitation, to a Bill, excluding the Bishops from the House of Lords.

ARREST OF THE FIVE MEMBERS.

Indications are not wanting that the King was now disposed to modify his policy, but it is feared that the Queen and those courtiers who were wont to flatter him caused him to vacillate. He actually appointed three Opposition Peers—Essex, Holland, and Saye—to offices in the Government, and made Mr. St. John, who had actively opposed him, his Attorney-General. His principal advisers also were men of acknowledged impartiality. Falkland, Colepepper, and Hyde, afterwards Earl of Clarendon, were as often opposed to him as upon his side, and their appointment awakened fresh confidence among the people. Altogether things promised well at this time, but, from some cause, which is not clearly explained, and respecting which much difference of opinion exists, the popular party in the Commons thought it necessary to vote a Remonstrance, in which were recapitulated all the grievances of the period anterior to the calling of the Parliament in 1640, many of which had already been redressed by Act of Parliament. It was carried in a full House by the small majority of 159 to 148, and was deemed so important by Oliver

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It is natural to suppose that the presentation of the Remonstrance greatly irritated the King, but he gave no indication of his displeasure, and the proceeding served no other purpose than a reminder to those who were beginning to place over much confidence in the King of what little consideration they had received at his hands. But the King increased in popularity. He was entertained by the City with great enthusiasm on his return from a short visit to Scotland, and then came the incident which gave rise to civil war.

Suddenly, and without any assigned cause, but prompted, it is supposed, by his courtiers, and certainly without the knowledge of his regular advisers, the King resolved to arrest some of the most prominent members of the House of Commons—Pym, Holles, Hampden, Haslerig, and Strode—commonly known as the Five Members. This resolution was taken early in January, 1642, and on the 3rd the King sent a message by the Serjeant-at-Arms, to require the five members of the Speaker, William Lenthall, on the charge of high treason. The demand was refused, for the Serjeant bore no warrant save the word of the King; and for the King to arrest, except by means of the officers of the law, and in accordance with the law, was illegal.

Next day the Five Members being present in the House, information was received that the King intended coming in person to arrest them, and upon this the House sent to the Lord Mayor, Aldermen, and Common Council to let them know how their privileges were likely to be broken in upon by the King; and others went to inform the Inns of Court of what was intended. The House then adjourned till one o'clock. Sir Ralph Verney, the member for Aylesbury, took pencil notes of what occurred on this occasion, and from them we gather that, as soon as the House met again, it was moved, considering there was an intention to take these Five Members away by force, that they should, to avoid all tumult, be commanded to absent them-

selves. Upon this the House gave them leave to absent themselves, but entered no order for it; and then the five gentlemen went out of the House. A little later the King came with all his guard, and his pensioners, and two or three hundred soldiers and gentlemen, and commanded the soldiers to stay in the hall, and sent in word that he was at the door. The Speaker was commanded to sit still, with the mace lying before him, and then the King came to the door, and took his Palsgrave or Chamberlain, the Earl of Roxburgh, in with him, and commanded all that came with him, upon their lives, not to come in. So the doors were kept open, and the Earl of Roxburgh stood within the door leaning against it. The King came upwards towards the chair with his hat off, and the Speaker stepped out to meet him. Then the King stepped up to his place, and stood upon the step, but sat not down in the chair. And after he had looked a great while he said,

"I will not break your privileges, but treason has no privileges. I come for those five gentlemen, for I expected obedience yesterday, and not an answer."

Then he called Mr. Pym and Mr. Holles by name, but no answer being made, he asked the Speaker whether they were present, or where they were. Upon this the Speaker fell on his knees, and desired excuse, saying:—

"I have neither eyes to see nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here."

Then the King told him he thought his own eyes were as good as his, and said his birds had flown, but he expected the House would send them to him; and if they did not, he would seek them himself, for their treason was foul, and such a one as they would all thank him to discover. Then he assured the House they should have a fair trial; and so went out, pulling off his hat till he came to the door. Upon this the House instantly resolved to adjourn till next day, at one o'clock.

The rising popularity of the King was by this action completely dissipated. The Commons had already contemplated acquiring more control of the forces, and this seems to have resolved them.

In the course of the next month, February, 1642, a Bill was sent to the King for regulating the militia, to which, however, he refused his assent. This Bill clearly infringed the Royal Prerogative, inasmuch as it nominated Lords-Lieutenants for every county for two years absolutely, and placed the militia under their control, subject to the orders of Parliament. This would, under ordinary circumstances, have found no favour with the Parliament, but the proposal was defended on the ground that the King had given many indications of a desire to have recourse to arms, and had often placed himself in opposition to Parliament, so that if he were allowed to train soldiers under the name of a militia, through lieutenants chosen by himself, the people's liberties would be in danger. And when we consider that the King was already on his way to the north to raise an army before this matter was finally agreed on, it cannot be disputed but that there was ground for these suspicions.

Moderate counsels were now at an end. Nineteen propositions were submitted to the King at York by the Parliament, which, if assented to, would have deprived him of every vestige of his prerogative, and have left him King only in name. These Charles declined to accede to,, and, keeping away from London, the breach between him and the Parliament gradually widened until he raised his standard at Nottingham on the 22nd August, 1642.

CIVIL WAR.

In the meantime, the Parliament became more despotic, and showed a disposition to exceed in tyranny anything that can be laid to the charge of the King. It even impeached the Duke of Richmond for having proposed an adjournment of the Sessions for six months, and called one of its own members to account for having used a reasonable argument in the course of a debate as to how an opposing majority of the Lords was to be overcome. Their proceedings indeed alienated many of their supporters, while the King on the other hand, by the concessions he had made previous to his departure from London, and the disposition he had

shown to govern in a constitutional manner, had drawn many to his side.

Negotiations were opened, from time to time during the progress of the war, for peace; first at Colnbrook, soon after the outbreak of the war; then at Oxford in March, 1643; again at Uxbridge in January, 1645; and afterwards at Newcastle. But on neither occasion could terms be agreed on, and the war lasted for nearly five years, ending in a military despotism under Cromwell.

The King took refuge with the Scottish army at Newark, only to be delivered up by them to the army of the Parliament. He was sent to Hampton Court, and there proposals were made to him on the part of the army, which now assumed superiority over the Parliament itself and dictated its policy. The terms submitted, however, differed but slightly from those last offered by the Commons, except that they were somewhat more favorable to the King. Charles, however, refused them, and negotiations were resumed by Parliament. Four Bills were then submitted to him as preliminaries to a treaty, and upon his declining to assent to them on the ground that such a preliminary was unfair, considering the contents of those Bills were unacceptable, the Parliament voted that they would address him no further, nor receive any more messages from him.

THE COMMONWEALTH.

A meeting of the principal officers at Windsor decided to bring the King to trial, but during the absence of the army in the north, repelling the Scotch, and suppressing various insurrections, the Parliament broke with Cromwell, retraced its steps, and re-opened negotiations with Charles, a prisoner at Carisbrooke, but without success.

Upon the return of the army from the north, Cromwell retaliated upon the Parliament. Those members opposed to him were violently expelled the House by a detachment of the army, under Colonel Pride, while sitting in debate on the 6th December, 1648. This is commonly called Pride's purge, and the remnant of members left, which took the Government of the country into its own hands, is known as the Rump Parliament. At this time not more than half

a dozen Peers assembled in the House of Lords, but twelve were mustered on the 2nd January, 1649, when the Commons sent up an ordinance for their approval, constituting the High Court of Justice for the trial of the King, prefaced by a declaration that it was high treason for the King to levy war against Parliament. These propositions the Lords rejected, but at their next meeting they agreed to a resolution declaring it to be treason for any future King to levy war against the Parliament. The Commons, however, took the matter into their own hands; the King was tried before the High Court of Justice, condemned, and executed on the 30th January, 1649.

Five days afterwards the House of Lords was abolished as useless, and a Council of State was formed, with Bradshaw, the presiding Judge of the High Court, for President. Other changes were stayed for a time, while Cromwell was absent, quelling a rebellion in Ireland, and afterwards opposing the advance of Prince Charles from Scotland. For these services the Parliament voted him an additional £4,000 a year. Within two years after-afterwards, on April 20th, 1653, he violently dissolved the Parliament, and convened another, nominated by himself. This invested him with supreme power, and by a Council of officers he was nominated Protector.

The same Council of officers framed an "Instrument of Government," or written Constitution, and, in accordance with this, a new Parliament was summoned, consisting of 400 members; but it was by no means submissive to Cromwell, who dissolved it after it had occupied five months in angrily discussing the "Instrument of Government."

Cromwell then gave up all attempt to govern according to law, and dividing the country into eleven districts, placed a military commander over each, with instructions to exact a payment of ten per cent. from all those, who, having sided with the King during the late wars, possessed estates valued at £100 a year, a proceeding as arbitrary and illegal as anything Charles had been guilty of. It is alleged also that taxes on merchandise were continued beyond the time fixed by Parliament, and refusal to pay was followed by proceedings as unjust as those of the Star

Chamber. One Cony sued the collector who had distrained for this tax, but his three counsel were sent to the tower for taking up his case. Sir Peter Wentworth, who brought a similar action, was summoned before the Council and asked by Cromwell whether he would give it up. "If you command me, I must," he said. Cromwell did command him, and the action was withdrawn. Other instances are not wanting of tyranny on the part of Cromwell. Numerous complaints were made to Parliament, which met after his death of imprisonment without trial. Some state that not less than fifty gentlemen were sold as slaves and sent to the West Indies, Cromwell's most common method of getting rid of the disaffected.

No period of our history has given rise to so much controversy as that which closed with the Restoration, and the difficulties in the way of forming a right estimate of the character of the chief actors have been greatly increased by the partiality of historians who have not hesitated to suppress, or at least pass lightly over, facts telling for or against the King or Cromwell, as the case may be, in order that their conclusions may appear the more certain. The careful and impartial student, however, will probably come to the conclusion that neither the King nor Cromwell are worthy of unqualified approbation, and will be inclined to join in what has come to be an almost universal expression of regret that the civil war deprived the country of the services of Hampden. He was killed at the battle of Chalgrove early in the war, and it is of him that Lord Clarendon, in his history of the Rebellion, says, "He was, indeed, a very wise man and of great parts, possessed with the most absolute faculties to govern the people of any man I ever knew."

Richard Cromwell, who succeeded his father as Lord Protector on the 3rd September, 1658, wanted ability for the office, and although a House of Commons, elected on the old model, supported him, he dissolved Parliament and vacated office virtually at the bidding of the army.

THE RESTORATION.

Richard Cromwell retired on the 22nd April, 1659, and invited by a Convention Parliament, that is a Parliament convened without

the authority of a sovereign, Charles II. ascended the Throne on the 29th May, 1660, with almost universal approbation. The terrors of the civil war, followed by the rigour of Cromwell's rule, and the general feeling of uncertainty and insecurity which had prevailed during the previous eighteen years, caused the people to look towards Prince Charles as a deliverer, and as one under whose rule they might hope to find rest. None could assign any ground for this hope, except that he was the true heir; there was nothing in his parentage or education, save, perhaps, his exile, and its cause, to justify these expectations; but he was received with open arms, and assumed the Crown with scarcely less power than Charles I. inherited, so great was the reaction in favour of Royalty.

The first act of the King, in which his Ministers and Parliament, joined, was one of retaliation. Before arriving in the country, Charles issued a proclamation from Breda giving a general amnesty to all who had taken part in the late disturbances, and upon arriving in the country he issued another, commanding his father's judges to surrender within fourteen days, on pain of being excluded from pardon. Thirteen persons, however, afterwards suffered death for the execution of Charles, including Scrope, who had surrendered upon the faith of the proclamation; and some twenty more were rendered incapable of any civil or military employment. The tide of popular opinion having completely changed, the Parliament was as eager as the King for punishing the leaders of the rebellion. The Lords, who, as a class, had suffered much during the civil war, were especially vindictive, and at their instance it was resolved that the next relatives of the four Peers who had been executed during the Commonwealth, Hamilton, Holland, Capel, and Derby, should have the privilege of naming each one person to be executed among those who had joined in the death of Charles. This was actually done in the last three cases, but Lord Denbigh, as Hamilton's kinsman, having named one who was already dead, refused to name another.

The Parliament next turned its attention to matters of business, and agreed with the King that he should have £100,000 a year, in lieu of the last remnant of feudal rights, which still attached to the

English Crown, a concession which his father had consented to make during the negotiations with him at Newcastle. They next considered whether this £100,000 should be raised by a tax upon land, from which the revenue accruing by virtue of these feudal rights had been drawn, or by an excise upon beer, which would fall upon the whole community. They chose the latter.

The control of the forces was next considered, and as it was felt that the unsettled state of the kingdom required something more for the protection of the Government than the old yeomen of the guard, three regiments of guards were retained for the service of the Crown, and in this we have the origin of our standing army. The next Parliament, which was still more favourble to the King than the Convention Parliament, placed the navy, militia, and all troops under the authority of the King, restored the Bishops to the House of Lords, repealed the Triennial Bill, but provided that the Government should not be carried on without a Parliament for more than three years, and generally undid as much as they could of the work of the Long Parliament. The Lords even proposed to re-establish the Star Chamber; this, however, was a step the Commons were not prepared to take.

But, within four years of the accession of Charles II., another reaction set in, chiefly consequent upon the dissolute and immoral character of the King's Court; and the anti-Court party in the House of Commons from this time began to exercise a material influence on the course of Government. The excesses of the King's Court also destroyed the feeling of loyality which his accession had evoked, and the reaction soon spread to those who valued a Continental reputation, when it was discovered the King had sold Dunkirk to the French for £500,000. Samuel Pepys, in his remarkable diary, tells us how everybody at this time began to reflect upon Oliver Cromwell and commend him, remembering what brave things he did, and how he made all the neighbouring Princes fear him.

CONTROL OF STATE EXPENDITURE BY THE COMMONS.

In the year 1665, the House of Commons took a remarkable step. Hitherto, with only two exceptions, money when voted to

the Crown, had been granted absolutely; but, in this year, £1,250,000 was voted with the proviso that it should be spent in carrying on the Dutch war and for no other purpose. £5,590,000 was voted in this way during 1666 and 1667, but the indifferent success attending the enterprise created suspicion that it had not been spent as directed. Accordingly, a committee was appointed to inspect the accounts, but their authority proving insufficient, a Bill was brought in to appoint Commissioners having extraordinary powers to examine into the way in which this money was expended. This measure was so distasteful to the King that Parliament was dissolved before it could be passed, with a promise that a Royal Commision should be appointed for the work. The Commission was fully prepared but not issued, and the next Parliament, adopting the policy of that dissolved, insisted upon the inquiry and secured the appointment of a Commission by Act of Parliament. The inquiry resulted in the discovery of great abuse of trust and misapplication of funds, and Sir George Carteret, Treasurer of the Navy, was expelled the House of Commons for issuing money without legal warrant. According to Samuel Pepys, who was Secretary to the Admiralty, £2,890,000, nearly half the grant, was not accounted for. The result of this experience was a more jealous watchfulness on the part of the Commons over the national expenditure, which has gradually developed into the system of the present day, in accordance with which, as we have already shown, every penny is voted for a specific purpose, and can be spent for no other.

The same House of Commons also interfered in the administration of justice, and censured Chief Justice Keeling for having fined a jury upon giving a verdict contrary to his view of the evidence. Probably influenced by this proceeding, a similar fine imposed by the Recorder of the City in 1679, the last instance on record, was disallowed by the Barons of the Exchequer.

The strict control Parliament now began to exercise over affairs of State excited in the mind of the King a desire to do without Parliaments. With this end in view he entered into secret treaties with the French King, under which the latter paid him large sums

of money; and towards the close of his reign he completed his degradation by urging Louis XIV. not to lose the opportunity he offered him of making England for ever dependent upon France.

The reign of Charles II. is memorable among other things for the passing of the Habeas Corpus Act in its present form, one of our most valued safeguards for personal liberty. It should be remembered that this Act embodies in precise language a principle contained in the Great Charter of King John, the observance of which had been unsuccessfully striven for by the Commons up to this time. From this reign also may be traced the origin of party Government and the terms Whig and Tory, which, however, have lost much of their original significance.

The last Parliament of the reign of Charles II. exhibited much anxiety respecting the succession, on account of the religion of his brother and next heir, the Duke of York. This anxiety did not abate upon the accession of James, who gave early evidence of a desire to rule with arbitrary power; and this, coupled with his attachment to the Roman Catholic religion, caused certain Statesmen opposed to him to offer the Throne to William of Orange, his son-in-law, and grandson of Charles I. William, after some hesitation, accepted the offer, and landed at Torbay in 1688. James, losing all hope, fled the country, and thus commenced The Glorious Revolution, so-called because it was accomplished without bloodshed, and fully secured the liberties of the people.

THE REVOLUTION OF 1688.

Upon the 26th December, 1688, King James, having left the country on the 22nd, the Peers, and an asembly of all those who had sat in any of King Charles's Parliaments, together with the Lord-Mayor of London and fifty of the Common Council, requested the Prince of Orange to issue writs for a Convention Parliament. This met on the 22nd January, 1689, to take the state of the kingdom into consideration. On the 28th the Commons decided that James II., having withdrawn himself out of the kingdom, had abdicated the Throne, which thereby became vacant. This resolution was the subject of much controversy between the Commons

and the Lords, who held that the Throne was never vacant, but that immediately upon the retirement or death of one King his heir succeeded, and there were two heirs, if not three, who stood before the Prince of Orange. This was a serious difficulty, theoretically speaking, because it had hitherto been held totally beyond the power of any Parliament to alter the succession. Both Lords and Commons, however, had made up their minds that William and Mary should be the future Sovereigns of England. They accordingly established a new precedent by bestowing the Crown upon them, and they further decided that it should, if they had no children, go to the Princess Anne of Denmark and her heirs, or failing them, to the heirs of William. The Parliament thus set aside an entire Royal family and established the novel doctrine that the Crown was at the disposal of the two Houses. They also settled in very precise terms the conditions upon which the new King should acccept the sovereignty, and did not fully instate him until he had agreed to those terms.

THE BILL OF RIGHTS.

The Marquis of Halifax, acting as speaker of the Lords, in the first place presented to the Prince, in the presence of the two Houses, the Declaration of Rights, in which it was stated that the pretended power of suspending laws, and the execution of laws, by regal authority without the consent of Parliament, is illegal; that the pretended power of dispensing with laws by regal authority, as it had been exercised of late (by the Stuarts) is illegal; that the late Court of Commissioners for ecclesiastical causes, and all other Courts of the like nature, are illegal and pernicious; that the levying of money for the use of the Crown, by the pretence of prerogative without the grant of Parliament, is illegal; that it is the right of the subject to petition the King, and that all prosecutions for such petitions are illegal; that keeping a standing army within the kingdom in time of peace, unless it be with the consent of Parliament, is illegal; that Protestant subjects may have arms for their defence suitable to their condition, and as allowed by law; that elections of members of Parliament ought to

be free; that the freedom of speech or debates, or proceedings in Parliament, ought not to be impeached or questioned in any Court or place out of Parliament; that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; that juries ought to be duly impanelled and returned, and that jurors trying charges of high treason ought to be freeholders; that all fines before conviction are illegal and void; and that for the redress of grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

This declaration, with other provisions requiring that in all cases the Sovereign should be a Protestant, afterwards became the law of the land as the famous Bill of Rights. It has never since been departed from, and the wisdom of the measure, with which the celebrated Lord Somers was prominently connected, has been fully justified by its results.

The House of Commons, for the first time in its history, now assumed complete control over the national expenditure. One of its first acts was to settle a fixed annual sum upon the Sovereign for domestic expenses, as distinct altogether from the other charges of the Government, and from this we have our present Civil List, which, as we have already explained in the chapter on The Crown, is settled on the Sovereign at the commencement of every reign, in place of those hereditary dues which the Kings of England in former times levied of right. It also required estimates of the probable expenditure on account of the Army and Navy, and voted supplies accordingly.

The strictness with which these principles were adhered to was not altogether pleasing to the King, who thought them the result of distrust; but the resolution of the Parliament was persevered in for the very simple reason that although it might be possible to trust King William, since he had been placed on the Throne by the Parliament, it might not be so easy to restrain a future King who had succeeded by virtue of birth.

Freedom of debate within Parliament now became an established part of the Constitution, with which the King never for a moment

thought of interfering. Freedom of discussion out of Parliament was the next step in advance, a step which was at first hindered not only by those who had the charge and responsibility of Government, but by the representatives of the people themselves. The motive for this hindrance arose mainly from an honest fear, lest harm to the Commonwealth should result from an uncontrolled criticism of the acts of those in authority. Hence a censorship of of the Press continued long after the Star Chamber had ceased to exist; but the endeavour to prevent unlicensed publications completely failed, and before the close of this reign censorship of the Press had ceased.

Permission to publish reports of the proceedings in Parliament was afterwards conceded by the two Houses, not, however, without many misgivings on the part of statesmen of the old school; but, although regarded by them as fraught with danger to the great safeguards of public liberty, the custom of publishing the proceedings in Parliament "is now regarded," says Lord Macaulay, "by many persons as a safeguard tantamount and more than tantamount to all the rest together."

The right of Parliament to control the succession was again asserted in 1701, in consequence of the death of the Duke of Gloucester, the only child of the Princess Anne of Denmark. This measure was called the Act of Settlement, which still excluded the Roman Catholic members of the Stuart family from the Throne, and settled the Crown upon the heirs of the Protestant granddaughter of James I., the Electress Sophia of Hanover, daughter of Elizabeth, the eldest child of James I., and wife of the Elector Palatine.

Several additions were made to the Bill of Rights by this Act, which provides that if the future King should not be a native of England, this country should not be obliged to engage in war for the defence of any dominion, not belonging to the Crown, without the consent of Parliament; that no Sovereign should, in future, go out of the dominions of England, Scotland and Ireland, without the consent of Parliament, a provision which has since been repealed; that all matters cognizable in the Privy Council

should be transacted there, and all resolutions come to should be signed by all the Councillors present, provisions which have since been modified; that members of the Privy Council should be natural born Englishmen; that no person having an office under the Crown, or in receipt of a pension, should be eligible to sit in the House of Commons, also a provision which has since been modified; that Judges should hold their places during good behaviour; and that no pardon under the Great Seal should prevent impeachment by the House of Commons. Under this Act George I. quietly succeeded to the Throne upon the death of Queen Anne; and thus for the second time the Crown was disposed of by the will of Parliament.

The new system of government, established on the accession of William of Orange, has now been in operation for nearly two hundred years; and under it the principles embodied in the Great Charter of John, in the Petition of Right presented to Charles I., and the Bill of Rights assented to by King William have been extended by a gradual process of development into the system described in the earlier chapters of this work. All the numerous changes in the law, which have since been made, all the important matters which have since engaged the attention of the people of the United Kingdom, exciting the feelings if not awakening the animosities of opposing factions, have been produced without in the slightest degree influencing the leading principles of the Constitution. The Union of Scotland and England in the year 1707, and of Ireland with Great Britain in 1801, were brought about with less public excitement than has been oftentimes occasioned by the passage of an ordinary Act of Parliament. In 1832, Parliament enacted a Revolution, and supplemented it by another in the year 1867, without endangering for a moment the liberty of the subject or the security of the Crown. Strange as it may seem, the reason for this remarkable difference between the peaceful present and the turbulent past, is to be found in the simple fact that our Gracious Sovereign and her Ministers govern the country in accordance with the law instead of setting it at defiance; hence the people have come to respect the law and to

regard the Government as a security for protection rather than as an engine of oppression. As a natural consequence the spirit of the ancient Anglo-Saxon system of frank-pledge is revived among us, and England has become a land in which sedition cannot find root.

THE END.

SPECIMEN QUESTIONS.

To find the answers to questions, the pupil should search the index and read the pages there referred to. It is advised, with a view to cultivate the reflective faculties, that the answers, whether written or spoken, should be in the pupils' own language.

What is the Executive?

What are the various Titles by which the Government is described?

What is the difference between the Cabinet and the Privy Council?

What is the Salic Law?

What powers does the Sovereign possess independently of the Parliament?

By what Laws and Customs is the power of the Sovereign circumscribed?

For what purpose are Taxes imposed?

Who authorises the Crown to collect Taxes?

What is the difference between the Constitution of the House of Lords and of the House of Commons?

What is a Peer?

How many different kinds of Peers are there?

What has caused the difference between Peers?

Who controls the Navy?

Who controls the government of India?

What is Supply?

Who declares War?

How can the people influence the acts of the Sovereign?

What is Reform?

What is a Private Bill?

What is a Jury?

What is a Subpœna?

What is a Coroner?

What is a Justice of the Peace?

In what way is the liberty of the subject protected?

How is the independence of the Jndges secured?

In what way does the Habeas Corpus Act protect the subject?

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